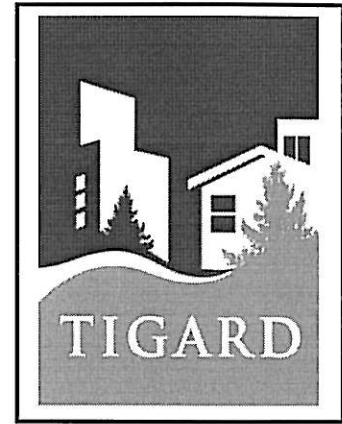




TIGARD CITY COUNCIL
AND LOCAL CONTRACT REVIEW
BOARD MEETING

JULY 24, 2007 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD.
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
JULY 24, 2007

6:30 PM

- STUDY SESSION
 - Discuss City Manager Review Process – Human Resources Department
 - Briefing on Proposed Intergovernmental Agreement with Metro to provide Police Department Support to Enforce Metro Illegal Disposal Ordinance – Police Department
- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss exempt public records under ORS 192.660 (2) (f). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - Chamber of Commerce Representative
 - Follow-up to Previous Citizen Communication
3. CONSENT AGENDA: *These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:*
 - 3.1 Receive and File: Fifth Tuesday Meeting Minutes from May 29, 2007.
 - 3.2 Amend Resolution No. 01-02 Governing the Membership Composition of the Tree Board - Resolution No. 07-____
 - 3.3 Approve Resolution Resolving to Pay Metro Mapping Fees Associated with New Annexations – Resolution No. 07-____
 - 3.4 Approve Resolution Adopting Council Groundrules Changes - Resolution No. 07-____

Consent Agenda - Items Removed for Separate Discussion: *Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

4. RECEIVE PRESENTATION BY WASHINGTON COUNTY DISABILITY, AGING AND VETERAN SERVICES TITLED, IS TIGARD A GOOD PLACE TO GROW OLD?
 - Introduction: Administration Department
5. RECEIVE LEGISLATIVE BRIEFING FROM SENATOR GINNY BURDICK AND REPRESENTATIVE LARRY GALIZIO
 - Introduction: Administration Department

Recess City Council Meeting (Motion by Council)

*Convene City Center Development Agency (CCDA) Meeting:
Approximately 8:30 p.m.*

- Call to Order: Chair Dirksen
- Roll Call: Chair and Board Members of CCDA

6. REVIEW OF DOWNTOWN PLAZA LOCATION ALTERNATIVES
 - Introduction: Community Development Department
 - City Center Development Agency Discussion

Adjourn City Center Development Agency (CCDA) Meeting (Motion by CCDA)

Reconvene City Council Meeting: Approximately 9:30 p.m.

7. FINALIZE SANITARY SEWER REIMBURSEMENT DISTRICT NO. 40 (SW ANN STREET) – INFORMATIONAL PUBLIC HEARING
 - a. Open Public Hearing
 - b. Declarations or Challenges
 - c. Staff Report: Community Development Department
 - d. Public Testimony
 - e. Staff Recommendation
 - f. Council Discussion
 - g. Close Public Hearing
 - h. Council Consideration: Resolution No. 07-_____

8. FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 44 (SW CHERRY STREET) – INFORMATIONAL PUBLIC HEARING
 - a. Open Public Hearing
 - b. Declarations or Challenges
 - c. Staff Report: Community Development Department
 - d. Public Testimony
 - e. Staff Recommendation
 - f. Council Discussion
 - g. Close Public Hearing
 - h. Council Consideration: Resolution No. 07-_____
9. COUNCIL LIAISON REPORTS
10. NON-AGENDA ITEMS
11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. ADJOURNMENT

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Agenda Item #



Meeting Date

July 24, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Study Session: Briefing on a Proposal for an Intergovernmental Agreement with Metro for Providing Police Department Support for the Enforcement of the Metro Illegal Disposal Ordinance

Prepared By: Chief Bill Dickinson Dept Head Approval:  City Mgr Approval: 

ISSUE BEFORE THE COUNCIL

Receive briefing by the Police Department on Metro's proposal for an intergovernmental agreement with the City to assign a police officer for the enforcement of Metro's code and regulations with regard to solid waste flow control and management, including illegal dumping.

STAFF RECOMMENDATION

N/A

KEY FACTS AND INFORMATION SUMMARY

One of the primary responsibilities of Metro's Regional Environmental Management Department is to carry out Metro's responsibility to manage the flow of solid waste in the region and the provisions relating to illegal dumping in the Regional Solid Waste Management Plan. One of the enforcement regulations Metro has is contained within their Illegal Disposal Ordinance.

Instead of having Metro staff as enforcement officers under this Ordinance, Metro has looked to the local law enforcement community to provide this service. Metro has approached the City's Police Department and requested that a City police officer be assigned to work with them on their enforcement efforts. The officer would primarily be responsible for surveillance and investigating suspected violations of environmental laws, rules, and ordinances.

If approved by the City Council, an officer would be assigned to work with Metro staff in their Regulatory Affairs Division but remain a City employee. However, Metro would reimburse the City for all personnel and related expenses. This position is not in the FY 2007-08 Adopted Budget, so there will be a related agenda item on the Council's consent agenda to approve a budget amendment to establish budget authority. There is no impact to the City's General Fund.

This will be on the City Council Business Meeting agenda as a consent item for August 14, 2007.

OTHER ALTERNATIVES CONSIDERED

N/A

CITY COUNCIL GOALS

Increase Tigard's involvement with Washington County, Metro, State, ODOT, TriMet, and Federal Government.

ATTACHMENT LIST

N/A

FISCAL NOTES

The City will be fully reimbursed for the services provided by the additional position as well as charging a 10% overhead fee to recover administrative costs. This is the same rate the City receives under the Tri-Met IGA.

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FIFTH TUESDAY MEETING –May 29, 2007

Council: Mayor Craig Dirksen
Councilor Gretchen Buehner
Councilor Sydney Sherwood
Councilor Tom Woodruff

Facilitator: Stacie Yost
Staff: Carol Krager

Citizens:	Nancy Spohn	Christopher Pena (THS Student)
	Matthew Winn	Nancy J. Gonzalez (THS Student)
	Steve DeAngelo	Charles Schneider
	Mike Peterson	Forrest Johnson
	Bret Swopes	Richard Miller
	Becki Bosley	Carolyn Barkley
	Cleon Cox	Roger Potthoff

The meeting started at 7:05 p.m. Citizen Facilitator Yost welcomed everyone to the meeting and described the Fifth Tuesday meeting process and the role of the facilitator. She said the agenda would be based on issues listed on the sign-in sheet which were Urban Renewal, Burnham and Ash Streets, and a traffic light at Tigard and Main Streets.

BURHAM AND ASH STREETS TRAFFIC ROUNDABOUT –

Steve DeAngelo, c/o DeAngelo's Catering, 9037 SW Burnham St., Tigard, OR read a letter dated May 29, 2007, and signed by the Burnham Street Property Owner Business Alliance - a group of property and business owners whose land and businesses are near the Burnham and Ash Street intersection. Their letter recommends the traffic roundabout be permanently removed from consideration under the Tigard Downtown Improvement Plan and the Tigard Transportation Plan. He turned to the crowd and asked who was here to support this document. Eleven people stood up.

Mr. DeAngelo suggested that how the City deals with them over this issue would characterize future interactions regarding downtown urban renewal. He said the group is concerned that if Tigard reserves the option to go ahead with the roundabout in the future, it creates a legal cloud over their property. He said there should be compensation for the encumbrance on their land.

Mayor Dirksen noted that Council had taken the roundabout off the table at a prior meeting and it was not in the current plan. However, he said they cannot say it is permanently out as there is no way to predict what future city councils or developers will do. He said the next elected council could reverse everything the current council has done and there is no way to guarantee that there will never be a roundabout on

Burnham and Ash Streets. He said he could only vision it as part of redevelopment but there is no way to know. He said improved traffic flow could potentially add value to a property sale.

Councilor Buehner said, "There will be redevelopment within ten years and the situation will change; there is no such thing as permanent." She said a roundabout may be very desirable to retailers.

Councilor Woodruff said he understood the problems anyone with property on the intersection would have with the roundabout proposal.

Nancy Spohn asked how the fire and police feel about the roundabout. She also asked what the main reasons were for proposing it in the first place.

Councilor Woodruff said the Fire Department bought off on it as it's engineered to be large enough for the fire equipment to move through. He said it was a moot point though, because the roundabout was not going in at this time.

Mayor Dirksen said there were two reasons it was designed – to slow traffic and for aesthetic value.

Cleon Cox said roundabouts are a part of major construction now. He said that as a driving instructor, he thought they were good because they eliminate stop lights and dangerous left turns. He said the idea of a roundabout is to keep traffic flowing. In response to his question to Council about the City extending Ash Street over a wetland, Mayor Dirksen said it was planned to be extended in the opposite direction. Mr. Cox said maps would help people see what is going on.

RIGHT-OF-WAY ISSUES

A citizen noted that in addition to the roundabout, the street will become 75' wide according to the lines on the map. Council was asked if these easements are to be deeded to the City at a later date, which would create a problem when the property is sold to another person.

Councilor Buehner said the City pays full market value for right-of-way. But she said the City cannot buy right-of-way now because it is unknown whether or not the railroad will allow a new crossing.

Mayor Dirksen acknowledged that he didn't know how to avoid the fact that added right-of-way is necessary. He said, "If we don't plan for this now, people will ask, 'What were they thinking' in the future." Councilor Sherwood said a good example is Greenburg Road at Highway 99W where there is no way to expand the intersection without taking out a building.

Councilor Woodruff agreed that property owners have a legitimate concern about loss of property.

Carolyn Barkley asked about the timeline for Burnham Street. She noted that the Downtown Improvement Plan shows three lanes from Ash to Hall and asked if the City knows where the medians will be. Mayor Dirksen said there are two travel lanes and a left turn lane. Councilor Buehner said that no driveways are supposed to be blocked.

COMMUNICATION ISSUES

Ms. Barkley expressed concerns that Burnham property owners had heard rumors about consolidated driveways and didn't know what was happening. She said everyone cannot attend open houses so they don't get the information they need.

Councilor Buehner said interested parties need to come down to City Hall and ask for the City Engineer if they have a concern. Ms. Barkley indicated there were difficulties in getting appointments with staff to get any information.

Facilitator Yost asked, "What can we do tonight to help you?"

Carolyn Barkley said, "We need to have someone contact all the businesses on Burnham." Councilor Buehner said that as part of being on the City Center Advisory Committee, she had a list of properties to contact, which she completed. She did not know if every CCAC member followed through with their lists.

Councilor Sherwood asked if a better solution was to bring everyone together for one evening meeting. Roger Potthoff said City staff needs to become involved in listening to concerns and a one-meeting dialog would not be productive. He said that rather than a single meeting he had a solution to offer – hire a Director of Economic Development to proactively meet with business owners and network with developers. He said this would give business owners a feeling of certainty. This person could also help businesses with relocation.

Mayor Dirksen said it was difficult to get money in the budget for new positions but that an existing planning position could potentially move over into an economic development role once work on the downtown plan is completed.

Councilor Buehner said that not having involuntary condemnation available as part of Tigard's urban renewal was a big turn-off for developers. Roger Potthoff said condemnation was not relevant to the discussion; the City still needs to communicate with property owners. He further suggested that the City, by not including eminent domain as part of urban renewal, failed to show property owners the tax opportunities available to them under 1033, and owners will now face capital gains problems when they sell. Councilor Sherwood noted that urban renewal did not pass twice before in Tigard, possibly because condemnation was included, yet was successful when it was removed.

Mike Peterson expressed concerns about the "right hand not knowing what the left hand is doing" at the City. Councilor Sherwood told him to send an e-mail to

Council. She said Council e-mails are forwarded on to them quickly and they will make sure the City Manager directs staff to respond.

Cleon Cox said the City should make it simple to contact people. He said, "I can't find anyone" is a common complaint from citizens trying to get a response.

Roger Potthoff asked what Council would recommend this group do. Councilor Sherwood suggested they keep getting together and keep communication open.

Mayor Dirksen asked them to keep track of what the CCAC is doing and what is in the Community Investment Program (CIP). He said the CIP lists all upcoming projects. He also urged anyone with questions about downtown improvements to call Community Development Director Tom Coffee.

Councilor Sherwood suggested asking for a page on the website dedicated to urban renewal that includes progress, a hotline number for questions and current maps and information.

TRAFFIC SIGNAL AT TIGARD STREET/MAIN STREET INTERSECTION

Charles Schneider, 11195 SW Tigard St., Tigard, OR, requested the City install a traffic light on Main and Tigard Streets. Council agreed that this is a problem area. Councilor Buehner said the City had to wait until the railroad gates were installed and citizens said that had just been completed.

STREETLIGHT OUTAGES

Charles Schneider said that he almost hit a pedestrian at Commercial and Main Street intersection because the street light was out in December of 2006. He said it is still out and he can't get a response from PGE. Carolyn Barkley said several lights were out in the downtown area.

ACTION ITEMS:

- Burnham Street property owners need a copy of the latest map (Steve DeAngelo, DeAngelo's Catering) the project schedule and information on how their driveway access will be affected.
- Put information about downtown improvements on the website so property/business owners have a current, accurate source of information that is constantly updated. Include maps and drawings.
- Make the City's website easier to move around in. Some felt it impossible to navigate.

- Mayor Dirksen said he would direct staff to contact any business owners in the area and tell them what to expect as well as give them the ability to voice concerns.
- Have a "Citizen Communicator" program for downtown businesses similar to what is in place in neighborhoods. One person could e-mail the others with current information.
- City needs to follow up on a non-response from PGE about streetlights being out in the downtown, including one at Commercial and Main Streets. This light has been out since December, 2006. Carolyn Barkley said a number of lights were out in the downtown area.
- Citizens request a traffic signal at Tigard Street/Main Street intersection.

The meeting was adjourned at 8:45 p.m.

I/Admin/Carol/FifthTuesday/ 070529

Burnham Street Property Owner Business Alliance

c/o Mr. Steve DeAngelo
DeAngelo's Catering
9037 SW Burnham St.
Tigard, OR 97223

May 29, 2007

Mayor Dirksen,
Councilors Buehner, Sherwood, Wilson and Woodruff,
Tigard City Hall
13125 SW Hall Blvd.
Tigard, OR 97223

Re: Burnham and Ash Street "Traffic Roundabout"

Dear Mayor and Councilors,

This letter is offered as a clear and forthright recommendation concerning the proposed "traffic roundabout" at the subject intersection in Downtown Tigard. This letter has the unanimous support of our group, consisting of ten of the property and business owners whose land and businesses are located in close and contiguous proximity to the Burnham & Ash Street intersection.

It is our recommendation that the traffic roundabout that has been designed and planned for this intersection be permanently removed from consideration under the Tigard Downtown Improvement Plan and the Tigard Transportation Plan.

Be assured that this recommendation is based upon our careful and collaborative consideration of the many factors known to be relevant to the success of our businesses, and also the success of the Downtown Urban Renewal Plan, which we look upon with both a lot of hope and some apprehension. We strongly believe that how the City of Tigard deals with us, as long term Downtown Tigard business stakeholders, will establish both the tone and the level of concern and cooperation that will characterize future dealings and interactions between the City and downtown stakeholders regarding urban renewal. We may be the first, but we certainly won't be the last.

It is in this context that we wish to emphasize that if the roundabout were to be constructed as planned we will be made to suffer significant upset to our businesses, which in some cases will threaten the very viability of the business. We hold unanimously that the roundabout is an expensive solution in search of a problem. We think some of you already agree with this assessment. If this "solution" is allowed to go forward it would not only miss the mark of serving any useful purpose, but it would result in considerable expense and very serious and unnecessary collateral damage to our businesses.

One last point we wish to make relates to our use of the word "permanently" in calling for the roundabout to be removed from the both the Downtown Improvement Plan and the Transportation Plan. We are very concerned about the City telling us today in 2007 that the roundabout has been removed from the Downtown Improvement Plan, but that, as the Mayor suggested on May 15th, the City would do so while reserving the option to go forward with the roundabout in the future. This is not an acceptable result and is inconsistent with our recommendation.

Mayor Dirksen and
Tigard City Council
Burnham St. Roundabout
May 29, 2007

We view any decision on your part that falls short of permanently removing the roundabout from consideration to be wholly unacceptable. Such a result would severely impair our ability to effectively plan for our businesses and our personal financial futures. Such a result would amount to a practical, if not legally recorded, "cloud" on our respective properties. We would, in all likelihood, have to disclose the prospect of the roundabout to any party interested in buying our businesses or our land in the future. Please understand that we need certainty on this matter. We need to know that the removal of this dubious improvement from consideration is a certainty and that this decision will be permanent.

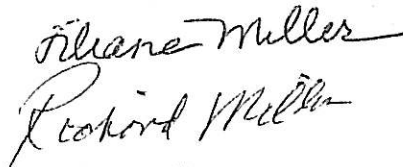
If not permanently removed, and the City wants to hold the option of constructing the roundabout in the future, we feel it is only fair that we be compensated in accordance with the economic value that the City would place upon having this flexibility, plus, or in conjunction with, the loss of value we would suffer in regard to this lingering encumbrance and its impact upon our future use and transferability of our property.

We appreciate your time in reading this letter and we look forward to your decision.

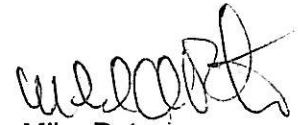
Respectfully,



Steve DeAngelo



Richard Miller



Mike Peterson



Carl Johnson

Elaine Walton

Lisa Walton



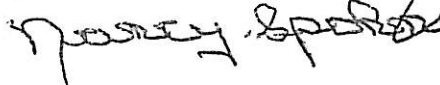
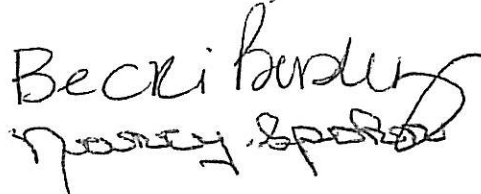
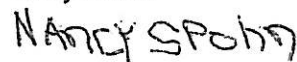
Bret Swopes



Forrest Johnson

John H. Zuber

Jerry Scott



Agenda Item #

Meeting Date

July 24, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Amendment to Council Resolution No. 01-02 Governing the Membership Composition of the Tree Board

Prepared By: John Floyd Dept Head Approval: TC City Mgr Approval: CL

ISSUE BEFORE THE COUNCIL

Shall the Council approve a resolution to amend the composition of the Tree Board by making Planning Commissioner membership optional rather than mandatory?

STAFF RECOMMENDATION

Staff recommends Council approve the resolution.

KEY FACTS AND INFORMATION SUMMARY

The proposed resolution implements direction provided by Council at its meeting of April 17, 2007. At that meeting Council decided to end the mandatory service of Planning Commissioners as liaisons to other City boards, commissions, and committees. Because Tree Board enabling Resolution No. 01-02 requires membership of between one and three Planning Commissioners, amendments are necessary to implement Council's recent direction. Points of considerations include the following:

1. Because the City benefits from the presence of Planning Commissioners on the Tree Board, staff recommends their presence be encouraged, but optional.
2. The existing resolution requires a minimum of one, and a maximum of three, Planning Commissioners, and a minimum of two, and a maximum of four, citizens at large. At present, the Board consists of six citizens at large and only one Planning Commissioner. Staff recommends the proposed amendments reflect the existing membership of the Tree Board. This also provides greater flexibility to Council when appointing future members.
3. At present, the Planning Commission is required to make regular appointments of its own members to the Tree Board. Staff recommends removal of this requirement. Instead, Council would have sole authority to appoint members.
4. The current resolution defines citizen to include "citizens" of the Washington County Urban Services area administered by the City. Since termination of the Urban Services Intergovernmental Agreement on July 20, 2006 the City no longer administers the Urban Services Area. Therefore the definition of citizen has been limited to residents of Tigard.

5. Council will have additional opportunities to discuss, evaluate, and possibly amend, the Tree Board's charge statement, including member composition, at the end of the Tree Stewardship and Urban Forest Enhancement Program presently underway. Staff anticipates completion of this project in fall, 2008.

OTHER ALTERNATIVES CONSIDERED

N/A

CITY COUNCIL GOALS

Goal 4: Improve Council/Citizen Communications.

The proposed action supports Council Goal 4 by broadening the opportunity for Citizens at large to serve on a City board.

ATTACHMENT LIST

Attachment 1: Proposed Resolution Amending Council Resolution No. 01-02 Establishing a Tree Board

Exhibit A: Council Resolution No. 01-02 Establishing a Tree Board

FISCAL NOTES

No costs will be incurred, and no budget amendments are necessary.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-_____

A RESOLUTION TO AMEND COUNCIL RESOLUTION NO. 01-02 GOVERNING THE MEMBERSHIP COMPOSITION OF THE TIGARD TREE BOARD.

WHEREAS, the composition of the Tigard Tree Board is governed by Council Resolution No. 01-02 which requires a minimum of one and a maximum of three Planning Commissioners on the Board; and

WHEREAS, the Council recognizes the work and accomplishments of Planning Commissioners who have simultaneously served as members of the Tree Board, facilitating communication and coordination between the two bodies; and

WHEREAS, the Council also recognizes the increased burdens placed upon Planning Commissioners simultaneously serving as members of the Tree Board; and

WHEREAS, the Planning Commission and Tree Board are presently engaged in a number of tasks and both have multiple responsibilities with the highest priority at this time being the Comprehensive Plan Update and the Tree Stewardship and Urban Forest Enhancement Project. These tasks are requiring an increase in the frequency and duration of meetings by both bodies; and

WHEREAS, the Council is aware of the need to lessen the Planning Commission's workload in view of complex and high-priority tasks the body is often charged with. Furthermore, it is desirable to enhance community involvement by broadening the opportunity for citizens at large to participate on City boards and Commissions.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Council hereby amends Resolution No. 01-02 (Exhibit A) establishing and governing the Tree Board, to include the following amendments:

- a. SECTION 3: The composition of the board shall be a minimum of five (5) members not to exceed seven (7) members. ~~A minimum of one (1) not to exceed three (3) members shall also be current members of the Planning Commission. The Planning Commission shall appoint these members.~~ A minimum of two (2) not to exceed seven (7) ~~four (4)~~ shall be citizens at large appointed by the City Council, of which one may also be a planning commissioner. "Citizen" shall mean citizens of Tigard ~~or the Washington County Urban Services area administered by the City.~~
- b. ~~SECTION 4: The Planning Commission shall appoint one (1) to three (3) members to the Tree Board from the members of the Commission at the January meeting in each odd-numbered year starting in 2001.~~

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2007.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

CITY OF TIGARD, OREGON

RESOLUTION NO. 01- 02

A RESOLUTION TO ESTABLISH A TREE BOARD TO DEVELOP AND ADMINISTER A COMPREHENSIVE COMMUNITY TREE MANAGEMENT PROGRAM FOR THE CARE OF TREES ON PUBLIC PROPERTY.

WHEREAS, the City is interested in making application as a Tree City USA; and

WHEREAS, in order for the City to qualify as a Tree City USA, a Tree Board or Department must be established; and

WHEREAS, a Tree Board would encourage citizen involvement in the implementation of an urban forestry plan that meets the community's needs; and

WHEREAS, a Tree Board would facilitate achievement of the community's goals for tree program management, maintenance, removal, replacement, and protection.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: A Tigard Tree Board is hereby established.

SECTION 2: The mission of the Tigard Tree Board is to develop and administer a comprehensive community tree management program for the maintenance, removal, replacement, and protection of trees on public property.

SECTION 3: The composition of the board shall be a minimum of five (5) members not to exceed seven (7) members. A minimum of one (1) not to exceed three (3) members shall also be current members of the Planning Commission. The Planning Commission shall appoint these members. A minimum of two (2) not to exceed four (4) shall be citizens at large appointed by the City Council. "Citizen" shall mean citizens of Tigard or the Washington County Urban Services area administered by the City.

SECTION 4: The Planning Commission shall appoint one (1) to three (3) members to the Tree Board from the members of the Commission at the January meeting in each odd numbered year beginning in 2001.

SECTION 5: The City Council shall appoint the citizen members to the Tree Board. If two (2) members are appointed initially, one (1) shall be appointed to a two year term and one (1) to a four year term. If three (3) members are appointed initially, one (1) shall be appointed to a two year term and two (2) shall be appointed to four year terms. If four (4) members are appointed initially, two (2) shall be appointed to two year terms and two (2) to four year terms. Following the expiration of the initial terms, subsequent terms shall be for four years each.

SECTION 6: Members of the Tree Board shall be limited to the two full consecutive terms not withstanding prior appointment to an unexpired term.

SECTION 7: The City's Urban Forester shall serve as staff liaison to the Tree Board.

SECTION 8: The Tree Board shall comply with the Oregon Public Meeting Law, meet on a regular basis and make recommendations to City Council as needed to implement the urban forestry plan.

PASSED: This 23rd day of January 2001.

James E. Gifford
Mayor - City of Tigard

ATTEST:

Greer A. Gaston
City Recorder - City of Tigard
Greer A. Gaston, Deputy City Recorder

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Agenda Item #

Meeting Date

July 24, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Resolution Resolving to Pay Metro Mapping/Filing Fee Associated with New Annexations

Prepared By: Marissa Daniels Dept Head Approval: TC City Mgr Approval: CR

ISSUE BEFORE THE COUNCIL

Shall City Council approve a resolution to pay the Metro mapping/filing fee to further encourage annexation?

STAFF RECOMMENDATION

Approve the proposed resolution to pay the Metro mapping/filing fee to further encourage annexation.

KEY FACTS AND INFORMATION SUMMARY

City Council has discussed annexation policy several times in the past few months. On March 13, 2007 City Council approved Resolution 07-13 establishing policy to guide City actions pertaining to annexation of unincorporated land to the municipal City limits. Section 4 of Resolution 07-13 directs the City to work directly with property owners who express voluntary interest in annexation, including the provision of incentives to annex such as waiver of the City annexation application fee until July 1, 2008.

In addition to the Tigard annexation application fee, Metro charges a mapping/filing fee according to the following schedule:

\$150	Single tax lot less than 1.0 acre
\$250	1.0 to 5.0 acres
\$300	5.1 to 40.0 acres
\$400	Greater than 40.0 acres

At the May 22, 2007 Council work session, staff was directed to prepare a resolution to pay the Metro mapping/filing fee for annexations in addition to waiving the City annexation application fee. This was done to be consistent with Council's prior decision to waive City annexation fees until July 1, 2008.

OTHER ALTERNATIVES CONSIDERED

None.

CITY COUNCIL GOALS

None.

ATTACHMENT LIST

Attachment 1: Proposed Resolution

FISCAL NOTES

Metro charges the mapping/filing fee based on the schedule listed above. The total cost to the City of Tigard will depend on the number of annexations and the number of acres annexed before July 30, 2008. Currently, during fiscal year 2006-2007, four annexations resulted in a total of \$1,100 in mapping/filing fees paid to Metro. During fiscal year 2005-2006, five annexation applicants paid Metro \$1,400 in mapping/filing fees. Based on the average of the previous two years, the total cost to the City will be about \$1,250 in fiscal year 2007-2008.

Annexation	Acres	Metro Fee
FY 2006-2007		
Goodlett	1.74	\$250
Sunrise Lane	39.42	\$300
Topping/Kemp	1.81	\$250
Cach Creek	35.78	\$300
Total		\$1,100
FY 2005-2006		
Wilson Ridge No. 2	3.50	\$250
Sunrise Lane	25.61	(Withdrawn)
Alberta Rider School/Summit Ridge	19.56	\$300
Wilson Ridge	2.68	\$250
Arlington No. 3	16.97	\$300
Mountain View Estates	6.94	\$300
Total		\$1,400
Average Fee Per Year		\$1,250

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-_____

A RESOLUTION AMENDING RESOLUTION NO. 07-13 TO EXPAND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO INCLUDE CITY PAYMENT OF THE METRO MAPPING/FILING FEE.

WHEREAS, Resolution 07-13 establishes policy to guide City actions pertaining to annexation of unincorporated urban lands to the municipal City limits, and provides incentives to annex, including waiver of the City annexation application fee until July 1, 2008, and phasing in of increased property taxes over a three-year period; and

WHEREAS, Metro charges a mapping/filing fee for annexation and boundary change applications according to the following schedule: \$150 for a single tax lot less than 1.0 acre, \$250, 1.0 to 5.0 acres, \$300 5.1 to 40.0 acres, \$400 greater than 40.0 acres; and

WHEREAS, the City Council discussed the Metro fee at its May 22, 2007 work session and agreed to provide funding for the Metro mapping/filing fee to property owners who voluntarily annex to the City until July 1, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution 07-13 is hereby amended to expand the incentives to annex to include City payment of the Metro mapping/filing fee until July 1, 2008.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2007.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Agenda Item #

Meeting Date

July 24, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Revisions to Council Groundrules

Prepared By: Cathy Wheatley *Cathy* Dept Head Approval: *cl* City Mgr Approval: *cl*

ISSUE BEFORE THE COUNCIL

Should the City Council adopt changes to the Council Groundrules?

STAFF RECOMMENDATION

Adopt the proposed resolution memorializing the change to the City Council Groundrules as discussed by the City Council on June 26 and July 10, 2007.

KEY FACTS AND INFORMATION SUMMARY

- Council discussed the Council Groundrules on June 26 and July 10, 2007.
- Council revised the Council guidelines as described in Exhibit A, attached to the Resolution.

OTHER ALTERNATIVES CONSIDERED

Make additional revisions to the City Council Groundrules.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

N/A

ATTACHMENT LIST

Proposed Resolution
Exhibit A

FISCAL NOTES

N/A

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CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-_____

A RESOLUTION AMENDING THE COUNCIL GROUNDRULES (EXHIBIT A) AND
SUPERSEDING RESOLUTION NO. 06-51

WHEREAS, on June 26 and July 10, 2007, the City Council discussed its groundrules whereby support was expressed to change the groundrules

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council hereby revises the Council Groundrules as described in the attached Exhibit A. Added text is underlined and deleted text is shown with strikethrough lines.

SECTION 2: The attached City Council Groundrules supersede the City Council Groundrules adopted by Resolution No. 06-51.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2007.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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EXHIBIT A
Resolution No. 07_____

CITY COUNCIL GROUND RULES AND AGENDA PROCESS

The following information is intended to assist with preparation for and the conduct of City Council meetings. The City Charter, Article IV, Section 13, contains regulations that govern Council meetings. The Groundrules describe the process followed by Council in scheduling and conducting meetings.

Council/Mayor Roles

- The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. The Presiding Officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Presiding Officer may move, second, debate and vote and shall not be deprived of any of the rights and privileges of a Councilor. The Presiding Officer shall sign all ordinances, resolutions, contracts and other documents, except where authority to sign certain contracts and other documents has been delegated to the City Manager and all documents shall be attested to by the City Recorder. The Mayor shall appoint the committees provided by the Rules of Council.
- In all other actions, decisions and other matters relating to the conduct of business of the City, the Mayor or President shall have no more or less authority than any other Council member. For the purposes of this written procedure any reference to the Council (unless otherwise specifically noted to the contrary) will include the Mayor, President and Council members.

Conduct of City Meetings

- Council will meet at least once a month. Regularly scheduled meetings shall be on the second, third, and fourth Tuesdays of each month.
- The Council meetings on the second and fourth Tuesdays are "Business" meetings; the Council meetings on the third Tuesday of the month are "Workshop" meetings unless otherwise designated by the City Council.
- Unless specifically noted otherwise, the meetings of Council shall begin at 6:30 p.m. at the established place of meeting. On the second and fourth Tuesdays the meetings will begin with a Study Session following by the Business meeting. On the third Tuesday, the Workshop meeting will begin at 6:30 p.m.

- Roll Call/Voting Order: The roll shall be called in alphabetical order by last name. At each succeeding meeting at which a roll call vote is taken, the council person who voted last during the previous meeting, shall vote first and the Council person who voted first during the preceding meeting shall vote second and so on in a rotating fashion. It is the intent that the voting order remain fixed for each meeting and that a different Council person shall vote last during each separate meeting for the duration of the meeting.
- Charter Section 19 provides that 'the concurrence of a majority of the members of the Council present and voting, when a quorum of the Council is present, at a Council meeting shall be necessary to decide any question before the Council.' A Council member who abstains or passes shall be considered present for determining whether a quorum exists, but shall not be counted as voting. Therefore, abstentions and 'passes' shall not be counted in the total vote and only votes in favor of or against a measure shall be counted in determining whether a measure receives a majority.
- The Chair, or other members if the Chair fails to remember, shall call for a Point of Order at or around 9:30 p.m. to review remaining items on the agenda with the Council. The Council may reset or reschedule those items, which it feels may not be reached prior to the regular time of adjournment.
- The Council's goal is to adjourn prior to 10 p. m. unless extended by majority consent of all Council members then present. If not continued by majority consent, then the meeting shall be adjourned to either the next scheduled meeting or the meeting shall be continued to a special meeting on another date.
- Definitions - Meeting Types, Study Sessions and Executive Sessions:
 - > BUSINESS MEETINGS: Business meetings are regular meetings where Council may deliberate toward a final decision on an agenda item including consideration of ordinances, resolutions & conducting public hearings. Business meetings are open to the public. The regularly scheduled business meetings are televised.

Business meetings are generally scheduled to begin at 7:30 p.m. with a study session preceding the Business Meeting at 6:30 p.m. Study Sessions are a workshop-type of meeting (see definition below) which also provide an opportunity for the Council to review the business meeting agenda and to ask questions for clarification on issues or on process. Study Sessions are open to the public.

- All Council meetings are open to the public with the exception of Executive Sessions. Executive Sessions can be called under certain circumstances and topics are limited to those defined by ORS 192.660.
- The “Citizen Communication” portion of the agenda is a regular feature on the Council Business meetings. This item will be placed near the beginning of the Council Agenda to give citizens a chance to introduce a topic to the City Council. Citizen Communications are limited to two minutes in length and must be directed to topics that are not on the Council Agenda for that meeting.
- At the conclusion of the Citizen Communication period, either the Mayor, a Council member or staff member will comment what, if any, follow-up action will be taken to respond to each issue. At the beginning of Citizen Communication at the next business meeting, staff will update the Council and community on the review of the issue(s), the action taken to address the issue, and a statement of what additional action is planned. Council may decide to refer an issue to staff and/or schedule the topic for a later Council meeting.
- > WORKSHOP MEETING: Workshop meetings are regular meetings where Council reviews and discusses agenda topics. ~~with no intent of deliberating toward a~~ Council may not make final decisions during the meeting. Workshop meetings are not currently scheduled to ~~may be~~ televised but and are open to the public. Public testimony is generally not taken at Workshop Meetings unless the Mayor or Council so choose.

Workshop agenda items are generally topics which Council is receiving preliminary information on and providing direction for further staff analysis and information gathering for a later business meeting. Workshop topics may also include discussions with standing boards and committees, as well as other governmental units.

Appropriate topics for Workshop meetings include:

- ~ Introduce a Topic: Staff will bring up new items to determine whether Council wants to entertain further discussion and whether to schedule the topic as an item on a future agenda.
- ~ Educational Meetings: Council will review research information presented by staff, consultants, or task forces - usually as a process check; i.e., is the issue on the right “track”?

- ~ Meet with individuals from City boards and committees or other jurisdictions to discuss items of common interest (examples: City Boards and Commissions, other Councils, the School District, and other officials).
 - ~ Administrative Updates: Items such as calendar information, scheduling preferences, process checks.
- > **STUDY SESSIONS:** Study Sessions precede or follow a Business Meeting or Workshop Meeting. As stated above, they are conducted in a Workshop-type setting to provide an opportunity for Council to review the Business Meeting Agenda and to ask questions for clarification on issues or on process. Information is also shared on items that are time sensitive. During Study Sessions, any Council member may call for a Point of Order whenever he or she wishes to stop the “discussion” because he or she feels that it is more appropriate for the City Council to discuss the matter during the Council Business meeting. If a Point of Order is raised, the City Council will discuss the Point of Order and determine whether the “discussion” should continue on or be held during the Council meeting. The decision on whether to continue the “discussion” or not shall be determined by the majority consensus of the Council members present. If Council discusses a Council Agenda Topic in a Study Session prior to that Council meeting, either the Presiding Officer or City Manager will briefly state at the introduction of the Agenda Topic, the fact that Council discussed the topic in the Study Session and mention the key points of the discussion.
- > **EXECUTIVE SESSIONS:** Meetings conducted by the Council, City Manager, and appropriate staff for deliberation on certain matters in a setting closed to the public. Executive Sessions may be held during a regular, special or emergency meeting after the Presiding Officer has identified the ORS authorization for holding the Executive Session. Among the permitted topics are employment of a public officer, deliberations with the persons designated by the Council to carry on labor negotiations, deliberations with persons designated to negotiate real property transactions, and to consult with legal counsel regarding current litigation or litigation likely to be filed.

Policy Regarding Interrelationships Between the City Council and Its Appointed Commissions, Boards or Committees (hereinafter referred to as “Boards”)

- The Council shall follow the Procedure for Recruitment and Appointments to Boards and Committees established in Resolution No. 95-60.

- Appointments to any committees not covered by Resolution No. 95-60 shall be made following the procedure provided within the Resolution or Ordinance, which created the committee.
- Appointments to intergovernmental committees shall be made by Council Action.
- Appointments of Council members to internal City committees as the Council Liaison shall be made by the City Council.
- It is Council policy to make known to the public, by notice in the Cityscape, of the occurrence of vacancies on City boards for the purpose of informing persons who may be interested in appointment.
- ~~Council will entertain regular representation by persons outside the City on those boards, which provide for such non-city membership.~~
- The Mayor and one Council member will serve on the Mayor's Appointment Advisory Committee for the purpose of interviewing and recommending potential board members. Council members will serve on this Committee with the Mayor on a rotated basis for a term of six months. Terms shall begin January 1 and July 1.

Communications Between City Councilors, City Manager and Staff

- Councilors are encouraged to maintain open communications with the City Manager, both as a group and individually in one-on-one sessions.
- Councilors are encouraged to direct inquiries through the City Manager, giving as much information as possible to ensure a thorough response.
- In the absence of the City Manager, Councilors are encouraged to contact the Assistant City Manager. In the absence of both the City Manager and the Assistant City Manager, Councilors are encouraged to contact the Department Head, realizing that the Department Head will discuss any such inquiries with the City Manager.
- Contacts below the Department Head are discouraged due to the possible disruption of work, confusion on priorities, and limited scope of response.

Council Agendas and Packet Information

- The City Manager will schedule agenda items while attempting to maintain balanced agendas to allow for discussion of topics while meeting the established 10 p.m. adjournment time.
- The City Manager will schedule items allowing time for staff research and the agenda cycle deadlines.
- The agenda cycle calls for submittal of items 10 days in advance of a Council meeting. Add-ons are to be minimized, as well as handouts distributed at the start of meetings, except Executive Sessions.
- Councilors and staff will prepare in advance of public meetings and issues should be presented fully in packets.
- Council is supportive of the role staff should play in offering professional recommendations. Staff is aware of Council's right to make final decisions after considering the staff recommendation, public input, the record and Council deliberation on the matter.
- Council members should attempt to give at least 24 hours' notice, by advising the City Manager and the City Recorder of a request to remove a Consent Agenda item for separate discussion. The City Recorder shall notify all Councilors of such requests prior to the start of the Business Meeting.

Communications Among Councilors

- Councilors are encouraged to suggest agenda topics at the bench or to contact the City Manager about scheduling an item into the Tentative Agenda.
- Add-on Agenda items should be brought up at the start of the meeting and generally considered only if continuing to a later agenda is not appropriate.
- Requests for legislative action of Council may be initiated by an individual Council member during a Council meeting. The City Manager will respond to the request consistent with resources and priorities, or refer the question of scheduling to Council as a whole.

Communications with Community/General Public

- Councilors and the General Public are reminded of the Agenda cycle and cut-off dates. Administrative staff is available to explain how public issues are handled and how citizen input may be accomplished.
- “Official” communication should come through City Hall and be provided by the City Manager. Direct submittal or inquiries to the Council or individual Councilors should be referred to the City Manager or Councilors may ask the City Manager to look into an issue.
- Official “press releases” are encouraged, both to assure accurate reporting and to advise Council and Staff of the official position communicated to the press. Press releases are through the City Manager’s Office.

General

- Councilors are always Councilors in the eyes of the Administration, never simply private citizens. Thus, Councilors are always treated by Administration as Council members.
- Information that “affects” the Council should go to Council. The City Manager is to decide on “gray areas,” but too much information is preferable to too little.
- Budget cuts or increases are policy decisions. Budgets will not be cut “piece meal” or “across the board,” but rather should be made in service or program areas, giving staff full opportunity to provide data clearly defining the anticipated impact of the action.
- It is the policy of the Council that if Councilors are contacted regarding labor relations during labor negotiations or conflict resolution proceedings, then Councilors have no comment.
- Councilors and the City Manager agree to report and discuss any contact, which might affect labor relations with the entire Council in Executive Session.
- The Council Groundrules will be submitted for review by Council each year either in the July or August Workshop Meeting. The Groundrules can be reviewed and revised at any other time in the year when a specific issue or issues are identified requiring action prior to the established review period.

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Agenda Item #

Meeting Date

7/24/07

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Is Tigard A Good Place To Grow Old?

Prepared By: Loreen Mills *Loreen Mills* Dept Head Approval: *CL* City Mgr Approval: *CL*

ISSUE BEFORE THE COUNCIL

Receive information about emerging trends and issues with the aging and our community. Also, understand the role Washington County Disability, Aging and Veteran Services (DAVS) serves in Tigard. Presentation by Mr. Rod Branyan, DAVS Human Services Division Manager.

STAFF RECOMMENDATION

Receive information.

KEY FACTS AND INFORMATION SUMMARY

- Washington County Disability, Aging & Veteran Services (DAVS) provides services to Tigard residents who are seniors, veterans and people with disabilities.
- DAVS faces significant challenges with the growing need for services vs. funding that doesn't keep pace with the demand.
 - ✓ Meeting the needs of the current senior population, and
 - ✓ Planning for the "Age Wave" of baby boomers – every 8 seconds a baby boomer turns 60 in the US
- DAVS is developing a five-year strategic plan with Tigard participating through Loaves & Fishes/Tigard Senior Center.
- Tigard published in the June *Cityscape* Newsletter the DAVS survey to give local opportunity to provide input to help shape our community to be a good place to grow up and grow old.

OTHER ALTERNATIVES CONSIDERED

N/A

CITY COUNCIL GOALS

Council's Goal 5 for 2007 is to increase Tigard's involvement with Washington County

ATTACHMENT LIST

Copy of the DAVS survey published in the *Cityscape*.

FISCAL NOTES

Cost of the DAVS survey insert in the *Cityscape* newsletter was absorbed as part of the *Cityscape* budget.

Is Tigard a Good Place to Grow Old?

Did you know the “age wave” is coming as baby boomers turn 60 at the rate of 10,000 per day nationally?

To meet this challenge and the current needs of the seniors in our community, Washington County Disability, Aging and Veteran Services is developing a plan for serving seniors and people with disabilities in Washington County and in Tigard. They are in the strategic planning process right now and need to hear from you so the programming and services in Tigard can meet the needs of our community.

SAFETY		Yes	No	Not sure
1.	Do you feel safe in your home and neighborhood most of the time?			
2.	Do you and your neighbors look out for each other?			
3.	Do you know what to do in an emergency or disaster situation?			
4.	Do you have a 72-hour emergency supply kit?			
<i>Comments:</i>				
TRANSPORTATION		Yes	No	Not sure
5.	Does your community support safe driving? (visibility at intersections, good signage)			
6.	Is it safe to walk/bicycle as alternative transportation? (sidewalks, lighting, benches)			
7.	Is there public transportation to shopping, recreation, and medical services?			
<i>Comments:</i>				
HOUSING		Yes	No	Not sure
8.	Is affordable housing for older adults available in your community?			
9.	Are there home modification services that make it possible to “age in place?” (install grab bars, widen doorways, build wheelchair ramps, etc.)			
10.	Do you plan to live in your home/community for as long as possible?			
<i>Comments:</i>				
COMMUNITY INVOLVEMENT AND PLANNING/LIFELONG LEARNING		Yes	No	Not sure
11.	Are there places in your community to interact and socialize with a variety of people?			
12.	Are there classes and educational programs for older adults in your community?			
13.	Are there volunteer opportunities for you to share your knowledge and experience?			
14.	Are older adults invited/encouraged to participate in community planning?			
15.	Are there employment opportunities for older adults?			

Please share your ideas and suggestions for ways to make your community a better place to grow old:

ABOUT WASHINGTON COUNTY DISABILITY, AGING AND VETERAN SERVICES (DAVS)		YES	NO
16.	Are you aware of the services Disability, Aging and Veteran Services (DAVS) provides?		
17.	Have you, or someone you know, used any of the services or information provided by DAVS?		
18.	Please name three (3) services that are most needed/valued by seniors, veterans and people with disabilities: 1) _____ 2) _____ 3) _____		
19.	May we send you a copy of our new Community Resource Directory? * (Provide mailing info below)		
20.	Would you like to receive our bi-monthly newsletter, "The Advisory?" *		
21.	Would you like more information about services available through DAVS and its partners? *		

The following information about you will help us in our planning process:

Gender: <input type="checkbox"/> M <input type="checkbox"/> F	Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	Live alone? <input type="checkbox"/> Yes <input type="checkbox"/> No	Own your home? <input type="checkbox"/> Yes <input type="checkbox"/> No	Are you a caregiver? <input type="checkbox"/> Yes <input type="checkbox"/> No For whom? <input type="checkbox"/> Parent <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Other
Age: <input type="text"/>	Ethnicity: <input type="text"/>			

If you requested information above (*), or would like to be added to our mailing list, please include:

Name: _____ Phone: _____ Cell: _____

Address: _____
Street City State Zip

Email: _____ Receive "The Advisory" Newsletter by email? ☐ Yes ☐ No


Please take time to share your comments by completing this survey and mailing it to
DAVS Community Survey, 155 N. First Avenue, MS 44, Hillsboro, OR 97123-4026 or completing online at:
www.co.washington.or.us/deptmts/aging/aging.htm. Thank you for your feedback!

Agenda Item #
Meeting Date

July 24, 2007

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/ Agenda Title Legislative Briefing by Senator Burdick & Representative Galizio

Prepared By: Joanne Bengtson  Dept Head Approval: CP City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Council and legislative representatives will discuss issues affecting the City of Tigard. State Senator Ginny Burdick and State Representative Larry Galizio will provide an update on the close of the Legislature.

STAFF RECOMMENDATION

Identify issues of interest or concern to Senator Burdick and State Representative Galizio.

KEY FACTS AND INFORMATION SUMMARY

Senator Burdick and Representative Galizio will meet with the City Council to provide an update on the close of the 2007 Legislative Session.

OTHER ALTERNATIVES CONSIDERED

N/A.

CITY COUNCIL GOALS

Council Goal # 5: Increase Tigard's involvement with Washington County, Metro, State, ODOT, TriMet and Federal government.

Tigard Beyond Tomorrow - Community Character and Quality of Life - Communication Goal - Citizen involvement opportunities will be maximized by providing educational programs on process, assuring accessibility to information in a variety of formats, providing opportunities for input on community issues and establishing and maintaining two-way communication.

ATTACHMENT LIST

N/A

FISCAL NOTES

N/A

Agenda Item #

Meeting Date

July 24, 2007

CITY CENTER DEVELOPMENT AGENCY AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Review of Downtown Plaza Location Alternatives

Prepared By: Phil Nachbar

Dept Head Approval: TC

City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Review the status of the Plaza Location Study conducted by Walker Macy and Leland Associates.

STAFF RECOMMENDATION

Review the Plaza Location Options as presented and provide input and direction as appropriate.

KEY FACTS AND INFORMATION SUMMARY

On April 17, 2007, the City contracted with Walker Macy, landscape architects, to develop a master plan for Fanno Creek Park. The scope of work includes a Plaza Location Study, and both Park and Plaza design. The decision to locate a public plaza in Downtown is a key community decision. The decision process should allow time for various points of view to be expressed. It is not expected that Council would, or should, decide definitively the final location for the plaza at this meeting. However, Council may want to provide some initial thoughts and preferences that will factor into a final decision. A final Council decision is scheduled for August 28th.

In order for the City to move forward with the development of a plaza, and adjoining redevelopment project, it will need the commitment of affected property owners. Staff has already begun to meet with and openly discuss the options with the property owners. The City will need to both select a desirable site for the plaza and have the cooperation of property owners for a joint plaza site / adjoining redevelopment project.

The Plaza Location Study is intended to help the community decide where the plaza should be located. Initially, criteria were determined by the consultant team with staff input to identify several potential locations for the Downtown Plaza. The criteria were based on the Tigard Downtown Improvement Plan, the ability to create a highly active space used on a regular basis, and the capacity to catalyze redevelopment. The criteria for selection of the plaza are: connection to the park, potential for adjacent property redevelopment, redevelopment with 5-10 year time frame, visibility, and community edges (adjacent streets).

After initial screening, four (4) sites remained on the list of potential plaza sites: 1) Liquor Store site (se corner of Main St. / Burnham St.), 2) Dolan Property on Burnham St. (directly east of the Liquor Store site), 3) Stevens Marine, Inc. site (east of Dolan property on Burnham St.), and 4) the Car Wash site located at the intersection of Main St. / Burnham St. Attached are the plaza location schemes (1,2,5,6), a map of initial areas considered, the initial ranking of sites (matrix), and a report by Leland Associates, assessing the redevelopment potential of each plaza site.

In general, the plaza site options vary by their ability to be activated (used by people), to catalyze redevelopment opportunities, and their connection to the Fanno Creek Park.

Scheme 2 (Liquor Store site) has been determined by consultants to have the highest potential to be activated and used on an everyday basis, and to stimulate redevelopment activities on Main St. itself. Scheme 1 (Steven Marine site) has the strongest direct connection to Fanno Creek Park but less ability to catalyze redevelopment on Main St. Scheme 6 (Car Wash site) has the capacity to stimulate redevelopment, but may have associated noises problems as a result of its proximity to 99W, and is the furthest from the Park. Scheme 5 (Dolan site) is not as strong as the Liquor Store site in terms of its visibility and ability to be activated for use.

The Fanno Creek Steering Committee has reviewed the site options, and has not come up with specific recommendations for a site. Within the committee, there are different points of view including those that see the plaza primarily as a catalyst for redevelopment and those that see the plaza more as a passive site associated with the Park. To assist the Steering Committee with their recommendations, further discussion as to how the plaza and park will be used by the public, and the relative importance of the plaza in serving as a catalyst for redevelopment will be take place.

OTHER ALTERNATIVES CONSIDERED

None considered.

CITY COUNCIL GOALS

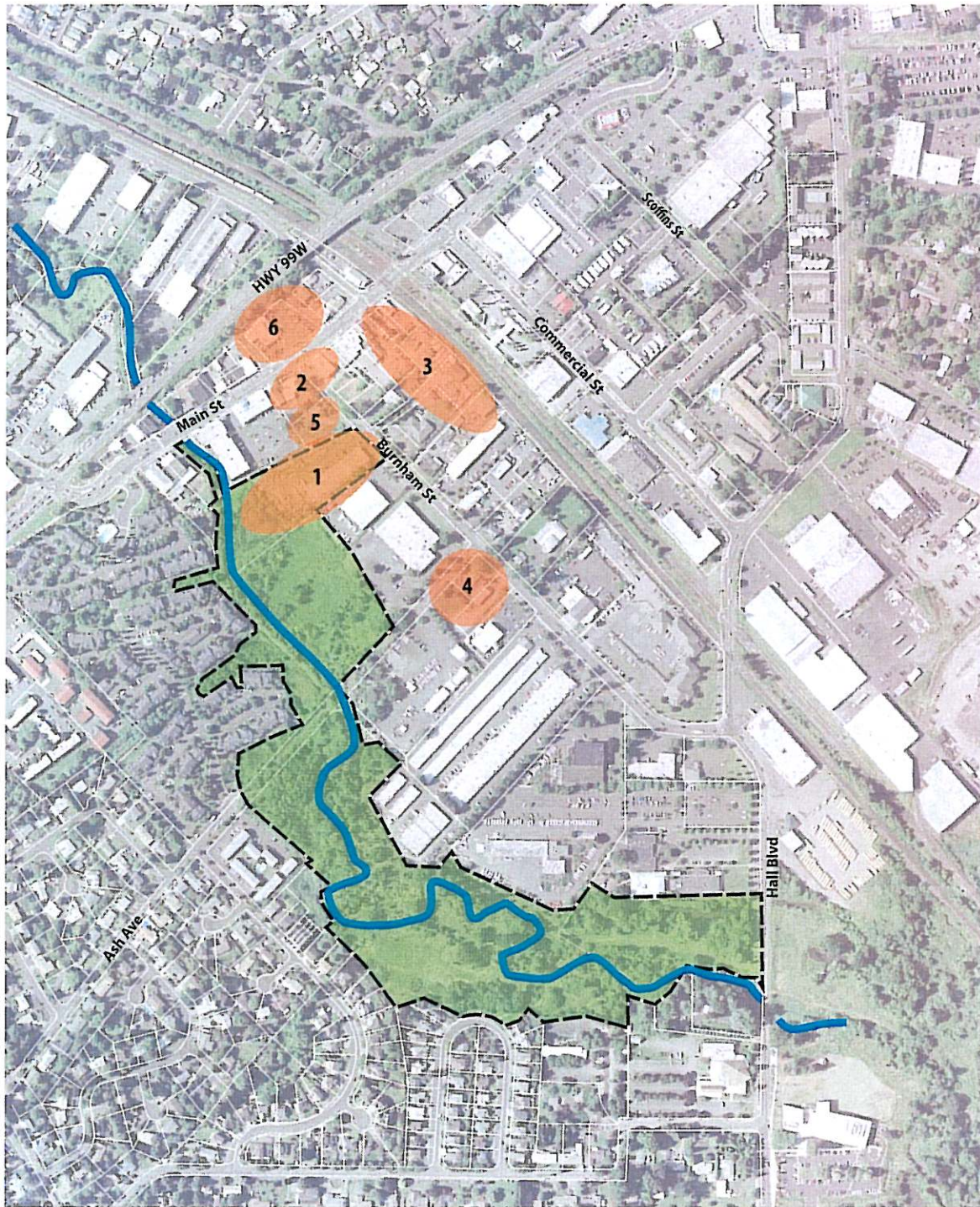
One of the key Council goals for Fy 2007-08 is to "promote community fabric in Downtown and development a public square."

ATTACHMENT LIST

Attach 1 Map of Potential Plaza sites
Attach 2 Plaza Location Matrix
Attach 3 Plaza Location Schemes 1,2,5,6
Attach 4 Leland Plaza Location Study

FISCAL NOTES

A cost impact study of the different site options has not been done at this time.



Potential Plaza Locations

Walker Macy
Sera Architects | KPFF | PAE/Luma
Karen Whitman Projects | Rider Hunt

Fanno Creek Park & Public Use Area
The City of Tigard | June 7, 2007

Fanno Creek Plaza Location Matrix	Criteria					
	Connection to Park	Adjacent Property Redevelopment Potential	Plaza Redevelopable within 5-10 Year Timeframe	Proximity to Commerce (Existing/Future)	Community Edges (Roadways)	Visibility (Location is Clear)
Potential Plaza Sites						
1. Stevens Marine Property	High	North, South & East	Yes	1 Side, North	One	Low
2. Intersection of Main Street and Burnham	Medium	North & South	Yes	4 Sides	Two	High
3. South of Main Street/ West of New Commuter Rail	Low	West	Maybe	2 Sides, North & West	One	Medium
4. Southwest Corner of Ash and Burnham Street	High	North & South	Not Likely	None	Two	Low
5. Residence on Burnham	High	North, South & East	Yes	2 Sides, North & East	One	Medium
6. Car Wash Site	Medium	4 Sides	Yes	4 Sides	One	High

Plaza Location Matrix



Plaza Location Scheme 1

Walker Macy

Sera Architects | KPFF | PAE/Luma
Karen Whitman Projects | Rider Hunt

Fanno Creek Park & Public Use Area

The City of Tigard | June 11, 2007



Plaza Location Scheme 2

Walker Macy

Sera Architects | RPEF | PAE/Luma
Karen Whitman Projects | Rider Hunt

Fanno Creek Park & Public Use Area

The City of Tigard | June 11, 2007



Plaza Location Scheme 5



Plaza Location Scheme 6

Walker Macy

Sera Architects | KPFF | PAE/Luma
Karen Whitman Projects | Rader Hunt

Fanno Creek Park & Public Use Area

The City of Tigard | June 11, 2007

Downtown Tigard

Public Plaza Location Study



City of Tigard
28 June 2007

Introduction



- In order to become familiar with downtown Tigard and better understand the area's existing conditions, opportunities and constraints, Leland Consulting Group's (LCG) project staff met with downtown Tigard planning staff, conducted a walking tour of the Downtown area, and reviewed relevant planning and policy documents, including the Tigard Downtown Improvement Plan and Implementation Strategy and City Center Urban Plan.
- Based on preliminary market research, LCG determined the general location that would be most suitable for a public plaza and evaluated three potential plaza sites.
- A general discussion of key considerations that will impact the redevelopment process is followed by a detailed summary of the opportunities and constraints of each of the three "option" sites.

Market Factors

Market Potential

- Market opportunities today in downtown Tigard are primarily residential, not office or retail. Existing Westside office districts such as Kruse Way, Washington Square, and the Tigard Triangle offer stronger environments for office development.
 - The proximity of downtown to these employment centers and easy access to Highway 217 and I-5 strengthens downtown Tigard's potential for housing.
 - The Village at Main apartments are one of the highest priced apartments in Tigard. This indicates that the greater downtown area may support additional housing development.
 - Support retail (convenience goods, restaurants) will continue to develop on a small-scale basis as development occurs (including as the ground-floor use in a mixed-use building).
 - Large retail-only projects are not likely in the vicinity of a new plaza.
- Office and retail uses may be more viable over the long term, after housing has become more established.
 - Retail uses are likely going to be limited to Main Street for the next 3 to 5 years. Retail on Burnham street is only a long-term potential after significant amounts of housing has been build and most retail spaces on both sides of Main Street are revitalized and full.



Plaza Location Strategy

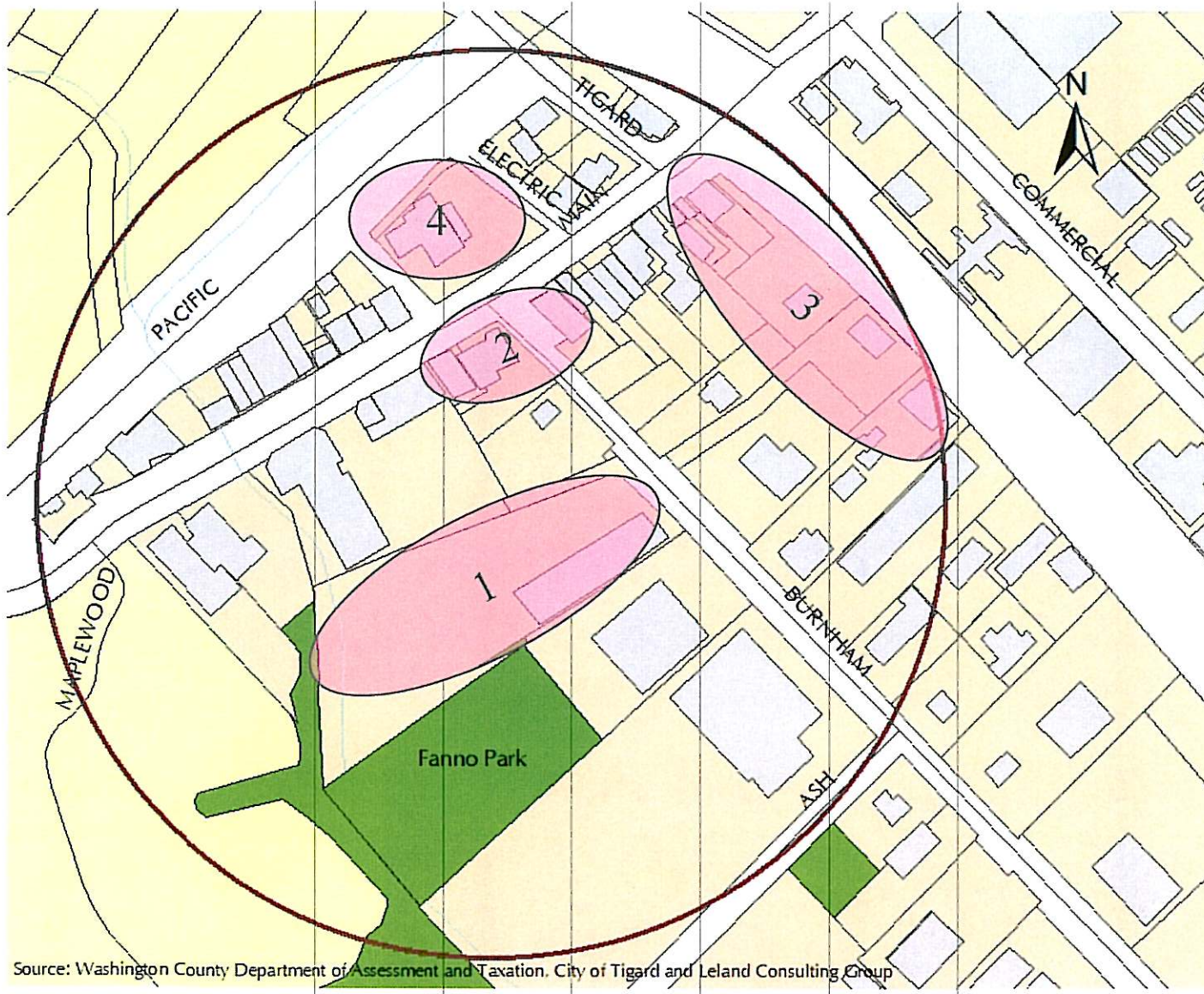
General Locational Considerations

- Recent development energy is focused on the west end of downtown.
- The intersection of Burnham and Main effectively functions as Downtown Tigard's "100 Percent Corner."
- The area along Burnham between Ash and Main has good potential for housing development. This includes both the area between Burnham and the railroad and between Burnham and Fanno Creek.
- Only consider sites that are west of the railroad tracks – this is the strongest section of downtown.
- Revitalization (e.g., A-BOY, Max's Fanno Creek Brew Pub and the rehabilitation of the former Cash's Realty building into a new tile/flooring company) is already occurring west of the railroad – reinforce it with the plaza. Development will be stronger here, too, due to the market precedence.

Development Strategy

- Development around the plaza should make economic sense on its own – consider the plaza a "bonus" feature.
- Encourage active ground floor uses around the plaza. Residential users on a ground floor will not want to directly front onto a public plaza (no privacy).
- As a catalyst project, rental housing, as opposed to ownership housing, usually kicks off downtown revitalization. Renters only need to make a short-term commitment to a place. Once a trend of revitalization is established, later phases of redevelopment can introduce ownership housing. If the plaza is built in the early phases of downtown development, then sites that are amenable to housing should be sought.

Plaza Location Context Map

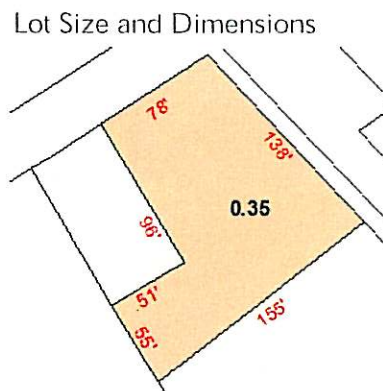
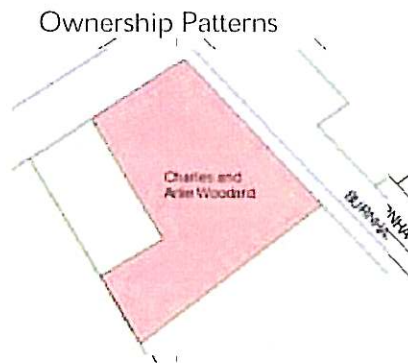
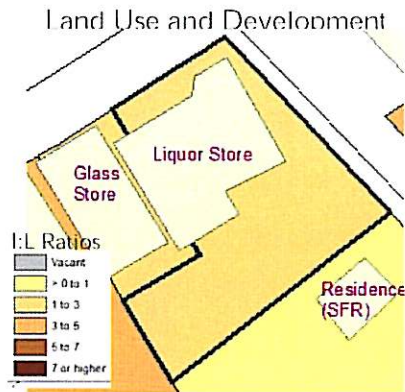


This map shows potential plaza locations that were initially identified by Walker Macy.

Based on preliminary market research, location 3, which abuts the railroad and is less accessible from Main and Burnham than the other locations, was eliminated. Lots adjacent to location 3 are generally small and narrow. Therefore, if a plaza were sited in location 3, it would be more costly and challenging to facilitate the redevelopment of surrounding lots.

Four plaza location options within areas 1, 2 and 4 of the Plaza Location Context Map have been identified. These options are reviewed in detail on pages 6 through 9 of this report.

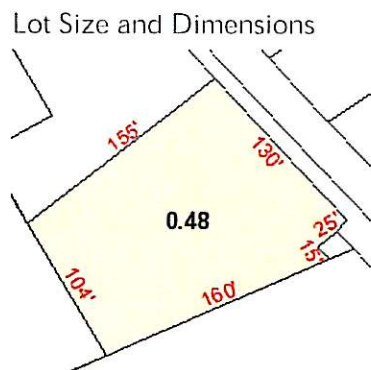
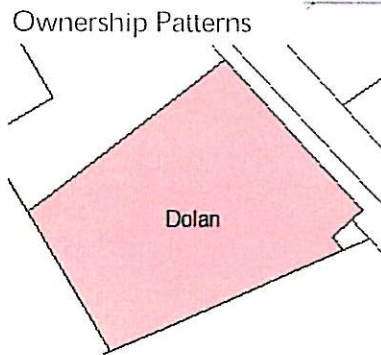
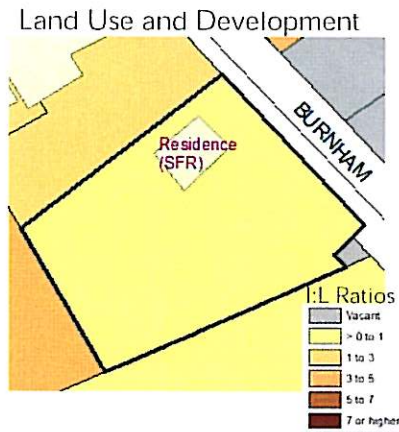
Option 1 – Tigard Liquor Store Property



Considerations

- The site has good visibility from Main Street and Burnham.
- Given that Option 1 fronts Main Street, an existing retail thoroughfare, adjacent development could include both housing and retail uses.
- Improvement to land value ratios are low (indicating good redevelopment potential).
- While the Liquor Store site is somewhat further removed from Fanno Park than Options 2 and 4, it is possible to link the site to the Park through a public pathway along Burnham or the western edge of the site.
- The Tigard Liquor Store, a successful business that draws people downtown, is a desirable use and should be retained and relocated to an alternate site downtown.

Option 2 – Dolan Property

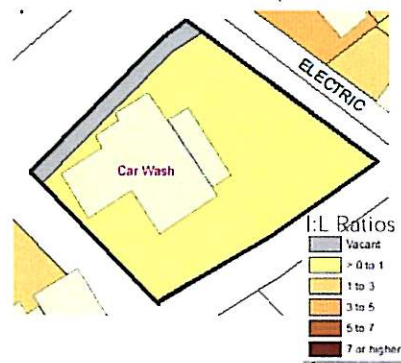


Considerations

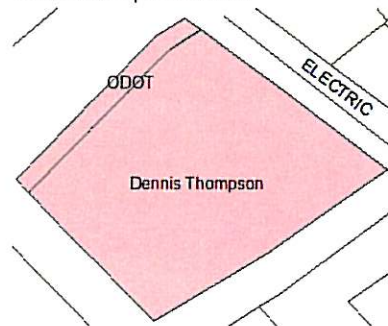
- Although the Dolan property abuts the Tigard Liquor Store, an existing retail use on Main Street, it lacks visibility from Main Street and is somewhat removed from the downtown retail core. Accordingly, the site is not a strong location for retail and housing will be the most appropriate and supportable adjacent use.
- If housing is developed adjacent to the plaza, it will be necessary to create a buffer, such as a small roadway or a walking path, so that the "front door" of the housing project does not open up onto the plaza.
- A liquor store is not a suitable neighboring use for a public plaza. Therefore, the City and SEDA will need to work with the owner of the Tigard Liquor Store to find an alternate downtown location for this business.
- This site is underutilized. The existing single family home in the northwest corner of the site, occupies only a small portion of the property.
- At less than 1.0, the improvement to land value ratio is very low, indicating high redevelopment potential.
- This site is closer to Fanno Creek Park than Options 1 and 3.

Option 3 - Car Wash Site

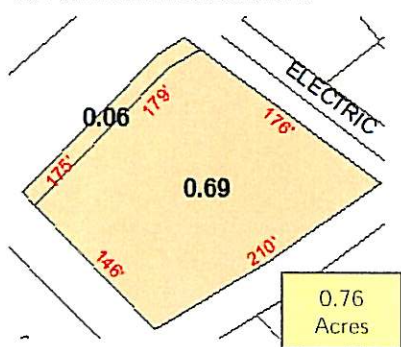
Land Use and Development



Ownership Patterns



Lot Size and Dimensions

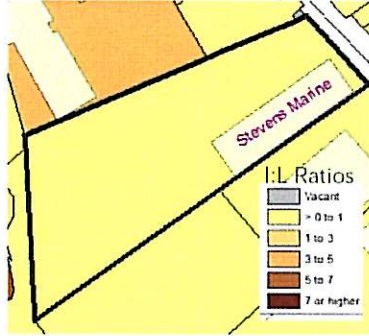


Considerations

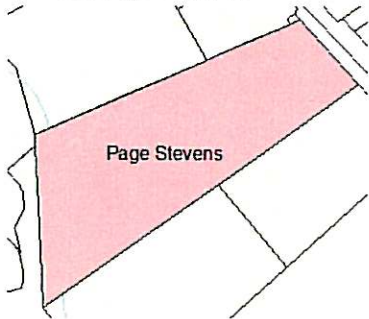
- The existing car wash is a noisy, auto-oriented use inappropriate for downtown. It could be relocated to a site with more drive-by automobile traffic and higher visibility.
- Improvement to land value ratios are low.
- The site is highly prominent and visible from both Main Street and Burnham.
- This site may be large enough to accommodate a plaza and a small retail or mixed-use development.
- The site might not be large enough to accommodate on-site parking facilities that can be used by retail shoppers and visitors to the public plaza.
- Option 3 is not a good location for housing development, the most supportable type of development in DT Tigard for the foreseeable future. The site backs up on Highway 99W and is adjacent to older buildings and uses that are not ideal neighbors for housing.
- This site has more access constraints than Options 1, 2 and 4. It is also less accessible to Fanno Park than the other options.

Option 4 – Stevens Marine Property

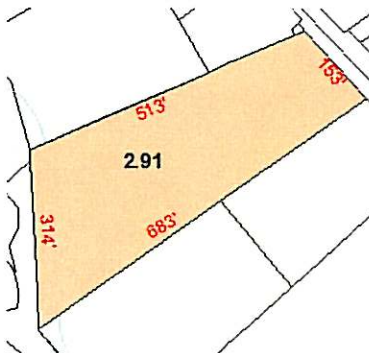
Land Use and Development



Ownership Patterns



Lot Size and Dimensions



Considerations

- The Stevens Marine property is removed from downtown Tigard's existing retail concentration on Main Street. Accordingly, the site is not a good location for retail and housing will be the most appropriate and supportable adjacent use.
- If housing is developed adjacent to the plaza, it will be necessary to create a buffer (i.e. a small roadway or a walking path) so that the "front door" of the housing project does not open up onto the plaza.
- Option 4 is located adjacent to Fanno Park, a significant natural amenity. Therefore, if a plaza is developed on this site, it will have a strong, direct connection to the Park.

Existing Development – Main Street



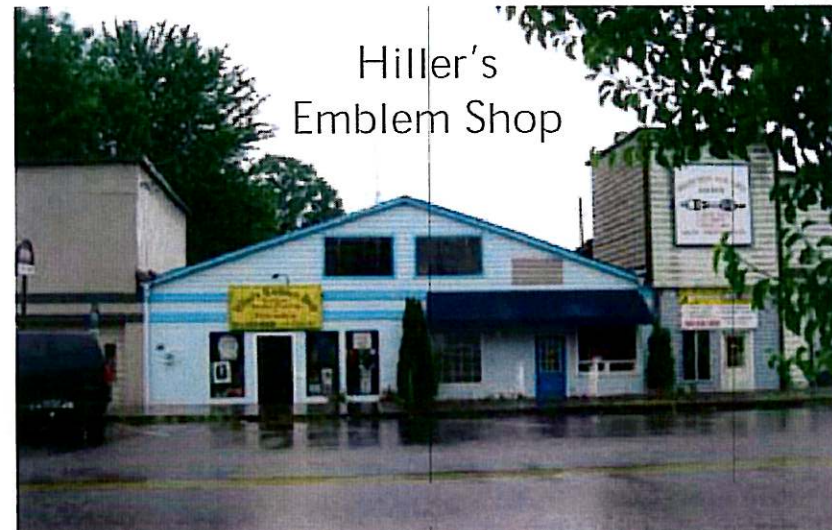
A-BOY



Historic Main Street



Oregon Drive Axle



Hiller's
Emblem Shop

Existing Development – Burnham Street

Evergreen Pacific



B & B Print Source



Stevens Marine



Other Downtown Development

Fanno Creek Park
Walking Path



Crown Carpets



Manor Apartments

Agenda Item #

Meeting Date

July 24, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Finalization of Sanitary Sewer Reimbursement District No. 40 (SW Ann Street)

Prepared By: G. Berry ^{SHB} Dept Head Approval: TC City Mgr Approval: CL

ISSUE BEFORE THE COUNCIL

Finalize Sanitary Sewer Reimbursement District No. 40, established to construct sanitary sewers in SW Ann Street.

STAFF RECOMMENDATION

Approve, by motion, the proposed resolution finalizing Reimbursement District No. 40 as modified by the Final City Engineer's Report.

KEY FACTS AND INFORMATION SUMMARY

- Council approved the formation of Reimbursement District No. 40 by Resolution No. 07-12 on March 13, 2007 following an informational hearing. One owner offered testimony urging the City Council to approve a staff recommendation to reduce the reimbursement fee by one-half. City Council directed staff to accept the recommendation. Since then, construction of the improvements has been completed and final costs have been determined. The City Engineer's Report has been revised accordingly. On July 9, 2007, notices of the hearing to finalize the district were mailed to owners within the district. No responses to the notices were received.
- This Reimbursement District installed sewer service to nine lots on SW Ann Street. The property owners must reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each property owner must pay a connection fee, currently \$2,835, and is responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. The sewer connections are available should property owners need to connect. Owners will not be required to pay any fee until they connect to the sewer.
- Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.
- If Council approves this request to finalize the Reimbursement District, owners within the district will be notified that the sewer is available for connection.

OTHER ALTERNATIVES CONSIDERED

None.

CITY COUNCIL GOALS

The proposed Reimbursement District meets Goal No. 1, Updating the Comprehensive Plan, by providing areas with septic systems with sewer service as required by the Plan.

ATTACHMENT LIST

Attachment 1- Proposed Resolution

Exhibit A, City Engineer's Report

Exhibit B, Map

Attachment 2- Resolution No. 07-12 with Exhibits A, B (8 pages)

Attachment 3- Vicinity Map

Attachment 4- Notice to Owners

Attachment 5- Mailing List

Attachment 6- Resolution No. 01-46

Attachment 7- Resolution No. 03-55

FISCAL NOTES

The final actual cost of the project is \$160,482.31. This amount includes the final cost of construction, \$141,394.11, plus \$19,088.20 for administration and engineering as defined in TMC 13.09.040(1).

The project was originally estimated to have a total cost of \$286,709. The estimate was prepared in advance of the bid opening and was based on recent bids with substantial increases in unit bid item prices. This estimate included a conservative evaluation of past bids plus a contingency amount. However, actual bids received were more consistent with previous bid item prices received before recent bid increases. The construction contract was awarded by Council on April 10, 2007. The request for Council approval noted that the contract was being awarded for an amount (\$136,477) that was approximately \$61,500 or 31% lower than the estimated amount of \$198,000.

Therefore, the difference between the final actual cost and the estimated cost of the project was primarily the result of the low bid being much less than estimated. This difference was slightly offset by the final cost of construction being \$4,917 more than the awarded amount of \$136,477. The difference was mostly the result of an additional manhole. There were no other changes to the contract.

The portion of the final costs assigned to each owner is tabulated in Exhibit A of the attached proposed resolution. The cost to each owner under the Incentive Program established by Resolution No. 01-46 is also shown.

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-_____

A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 40 (SW ANN STREET) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 07-12.

WHEREAS, on March 13, 2007, the City Council approved Resolution No. 07-12 to form Sanitary Sewer District No. 40 to construct a sewer in SW Ann Street in accordance with TMC Chapter 13.09; and

WHEREAS, Resolution No. 07-12 included the City Engineer's Report that included an estimated construction and total project cost; and

WHEREAS, construction of the sewer improvements has been completed, final costs have been determined, and the City Engineer's Report has been revised to include the final costs as required by TMC 13.09.105 (1); and

WHEREAS, the property owners within the district have been notified of an informational hearing in accordance with TMC 13.09.060 and an informational hearing was conducted in accordance with TMC 13.09.105; and

WHEREAS, the City Council has determined that the proposed revisions to the City Engineer's Report, as recommended by the City Engineer, are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Final City Engineer's Report titled "Sanitary Sewer Reimbursement District No. 40", attached hereto as Exhibit A, is hereby approved.

SECTION 2: The City Engineer's Report as presented in Resolution No. 07-12 is hereby amended by the attached Final City Engineer's Report (Exhibit A).

SECTION 3: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2007.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A
Final City Engineer's Report
Sanitary Sewer Reimbursement District No. 40
(SW Ann Street)

Background

This project was constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard installed public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner must pay a connection fee, currently \$2,835, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the nine lots in the following table required the extension of an existing sewer in SW 116th Avenue south to SW Ann Street. All of the lots along SW Ann Street from SW 116th Avenue to SW 121st Avenue are now served.

The project provided sewer service to a total of nine lots within the proposed reimbursement district as shown on Exhibit Map B.

Cost

The final cost for the sanitary sewer construction to provide service to the nine lots is \$141,394.11. Engineering and inspection fees amount to \$19,088.20 (13.5%) as defined in TMC 13.09.040(1). The final total project cost is \$160,482.31. Subject to the Incentive Program, this is the usual expected amount that would be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the owners expressed concern about the reimbursement fee being higher than the fee for other districts.

The higher fee is the result of the sewer only serving the south side of Ann Street since the lots on the north side are currently served by a sewer along their back lot line. This leaves the lots on the south side with the entire cost of the sewer instead of sharing the cost with the lots on the other side of the street. The owners believe that there is an easement along their back lot line intended for a sewer that could serve their lots as well as the lots immediately south and fronting onto Walnut Street. Although a sewer at this location does not meet City design standards, the owners expected that they would share the cost of constructing this sewer with the lots on the south side of the easement. However, these lots on the south side of the easement were provided with sewer service from sewers installed in Walnut Street in 2001 through Sewer Reimbursement District No. 18. The owners believe that the installation of sewers in Walnut Street eliminated an opportunity for cost sharing of the construction of a sewer and requested relief by reducing the reimbursement fee by one-half. City Council

considered and approved this request following an informational hearing at its March 13, 2007 meeting. The following tables show the final cost to each owner. The cost to each owner is based on spreading one half of the total project cost among the owners instead of the full cost.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$2,835, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in the proposed district are zoned R-4.5 but vary in lot size from about twelve thousand to sixteen thousand square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's final fair share of the public sewer line is \$0.58129103 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).

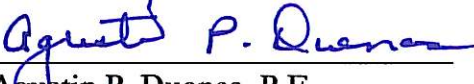
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be finalized with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted July 9, 2007


Agustin P. Duenas, P.E.
City Engineer

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ANN STREET
Reimbursement District No. 40
Final Cost to Property Owner Based on Final Project Cost
July 12, 2007

	OWNER	SITE ADDRESS	AREA (S.F.)	FULL REIMBURSEMENT FEE	REDUCED REIMBURSEMENT FEE	TO BE PAID BY OWNER IF CONNECTED WITHIN 3 YEARS	TO BE PAID BY CITY IF CONNECTED WITHIN 3 YEARS
1	VANSANT, JEFFREY	12070 SW ANN ST	15600.7689243	\$18,137	\$9,069	\$6,000	\$3,069
2	ZARR, JAMES A AND DONA J	12010 SW ANN ST	15783.9670897	\$18,350	\$9,175	\$6,000	\$3,175
3	ANDERSON, EDWARD L & MARY ANNE	11950 SW ANN ST	15614.5578744	\$18,153	\$9,077	\$6,000	\$3,077
4	HUTCHISON, PERRY C	11890 SW ANN ST	16119.9306668	\$18,741	\$9,370	\$6,000	\$3,370
5	PROCTOR, TIFFANY A & PATRICK E	11830 SW ANN ST	15858.6525555	\$18,437	\$9,218	\$6,000	\$3,218
6	PARSONS, JOE P MARLYNN	11770 SW ANN ST	15531.5788679	\$18,057	\$9,028	\$6,000	\$3,028
7	POTTHOFF, ROGER & MARY	11710 SW ANN ST	15949.2526235	\$18,542	\$9,271	\$6,000	\$3,271
8	SPRAGUE, MICHAEL M	11650 SW ANN ST	15917.7795199	\$18,506	\$9,253	\$6,000	\$3,253
9	BANKS, RICHARD L	11590 SW ANN ST	11663.0718303	\$13,559	\$6,780	\$6,000	\$780
			138040	\$160,482	\$80,241	\$54,000	\$26,241

The "FULL REIMBURSEMENT FEE" column shows the reimbursement fee for each lot if the full cost of the project was imposed on the owners.

The "REDUCED REIMBURSEMENT FEE" column shows the reduced reimbursement fee for each lot. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer.

In accordance with Resolution No. 01-46, each property owner will be required to pay the first \$6,000 of the final reimbursement fee for connections completed within the first three years of City Council's approval of the final City Engineer's Report following construction. The "TO BE PAID BY CITY IF CONNECTED WITHIN 3 YEARS" column shows that portion of the reimbursement fee that the owner will not be required to pay if they connect to the sewer during this three year period which is that amount of the reimbursement fee between \$6,000 and \$15,000.

In addition to the reimbursement fee, the owners will also be required to pay a connection fee, currently \$2,835, at the time of connection to the sewer. Property owners are also responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

ANN STREET
Reimbursement District No. 40
Final Cost to Property Owner Based on Final Project Cost
July 12, 2007

Final Construction Cost	\$141,394.11
13.5% contingency (Admin & Eng)	\$19,088.20
total project costs	\$160,482.31
total area to be served (S.F.)	138,040
total cost per S.F. to property owner	\$1.16258205
total recommended cost per S.F. to property owner	\$0.58129103

ANN STREET
DISTRICT NO. 40
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE SW 1/4 SECTION 3 T2S R1W W.M.



NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B
NTS

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07- 12

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO.
40 (SW ANN STREET)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 40 (SW Ann Street) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 40," attached hereto as Exhibit A, is hereby approved.

SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 40, SW Ann Street."


SECTION 3 Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

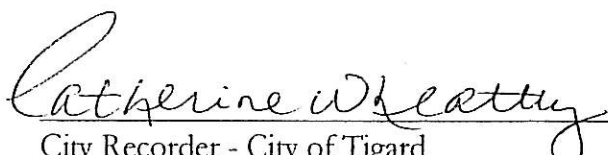
SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6: This resolution is effective immediately upon passage.

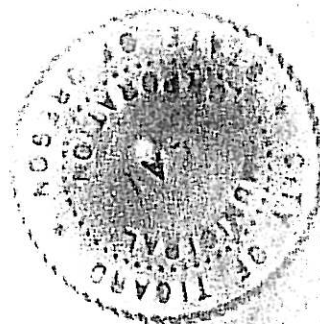
PASSED: This 13th day of March 2007.


Mayor - City of Tigard

ATTEST:


City Recorder - City of Tigard

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Certified to be a True Copy of
Original on File

By: 
Deputy Recorder - City of Tigard

Date: March 14, 2007

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 40
(SW Ann Street)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection fee, currently \$2,735, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the nine lots in the following table will require the extension of an existing sewer in SW 116th Avenue south to SW Ann Street. All of the currently unserved lots along SW Ann Street from SW 116th Avenue to SW 121st Avenue will be served. The lots along the north side of SW Ann Street are currently served by a sewer along their back lot lines.

The proposed project would provide sewer service to a total of nine lots within the proposed reimbursement district as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the nine lots is \$252,607. Engineering and inspection fees amount to \$34,102 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$286,709. Subject to the Incentive Program, this is the usual expected estimated amount that would be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the owners have expressed concern about the reimbursement fee being higher than the fee for other districts.

The higher fee is the result of the sewer only serving the south side of Ann Street since the lots on the north side are currently served by a sewer along their back lot line. This leaves the lots on the south side with the entire cost of the sewer instead of sharing the cost with the lots on the other side of the street. The owners believe that there is an easement along their back lot line intended for a sewer that could serve their lots as well as the lots immediately south and fronting onto Walnut Street. Although a sewer at this location does not meet City design standards, the owners expected that they would share the cost of constructing this sewer with the lots on the south side of the easement. However, these lots on the south side of the easement were provided with sewer service from sewers installed in Walnut Street in 2001 through Sewer Reimbursement District No. 18. The owners believe that the installation of sewers in Walnut Street eliminated an opportunity for cost sharing of the construction of a

sewer and now request relief by reducing the reimbursement fee by one-half. Staff recommends approval of this request. The following tables show the estimated cost to each owner with approval of the request. The estimated cost to each owner is based on spreading one half of the total estimated project cost among the owners instead of the full cost.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$2,735, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in the proposed district are zoned R-4.5 but vary in lot size from about twelve thousand to sixteen thousand square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$1.03850159 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).

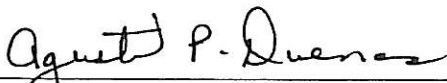
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted February 27, 2007



Agustin P. Duenas, P.E.
City Engineer

\\eng\2006-2007 fy ciplann st reimbursement dist\annation\3-13-07 reim dist 40 report ex a r1.doc

ANN STREET Reimbursement District No. 40

*Estimated Cost to Property Owners
February 27, 2007*

OWNER	SITE ADDRESS	AREA (S.F.)	ESTIMATED FULL REIMBURSEMENT FEE	RECOMMENDED REDUCED REIMBURSEMENT FEE	TO BE PAID BY OWNER IF CONNECTED WITHIN 3 YEARS	TO BE PAID BY CITY IF CONNECTED WITHIN 3 YEARS	ESTIMATED REDUCED AMOUNT OVER \$15,000 THAT CAN BE DEFERRED BY OWNER IF CONNECTED WITHIN 3 YEARS
1 VANSANT, JEFFREY	12070 SW ANN ST	15600.7689243	\$32,403	\$16,201	\$6,000	\$9,000	\$1,201
2 ZARR, JAMES A AND DONA J	12010 SW ANN ST	15783.9670897	\$32,783	\$16,392	\$6,000	\$9,000	\$1,392
3 ANDERSON, EDWARD L & MARY ANNE	11950 SW ANN ST	15614.5578744	\$32,431	\$16,216	\$6,000	\$9,000	\$1,216
4 HUTCHISON, PERRY C	11890 SW ANN ST	16119.9306668	\$33,481	\$16,741	\$6,000	\$9,000	\$1,741
5 PROCTOR, TIFFANY A & PATRICK E	11830 SW ANN ST	15858.6525555	\$32,938	\$16,469	\$6,000	\$9,000	\$1,469
6 PARSONS, JOE P MARLYNN	11770 SW ANN ST	15531.5788679	\$32,259	\$16,130	\$6,000	\$9,000	\$1,130
7 POTTHOFF, ROGER & MARY	11710 SW ANN ST	15949.2526235	\$33,127	\$16,563	\$6,000	\$9,000	\$1,563
8 SPRAGUE, MICHAEL M	11650 SW ANN ST	15917.7795199	\$33,061	\$16,531	\$6,000	\$9,000	\$1,531
9 BANKS, RICHARD L	11590 SW ANN ST	11663.0718303	\$24,224	\$12,112	\$6,000	\$6,112	\$0
		138040	\$286,709	\$143,354	\$54,000	\$78,112	\$11,242

The "ESTIMATED FULL REIMBURSEMENT FEE" column shows the estimated reimbursement fee for each lot if the full cost of the project was imposed on the owners.

The "RECOMMENDED REDUCED REIMBURSEMENT FEE" column shows the recommended reduced reimbursement fee for each lot. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer. The final reimbursement fee will be determined once construction is complete and final costs are determined.

In accordance with Resolution No. 01-46, each property owner will be required to pay the first \$6,000 of the final reimbursement fee for connections completed within the first three years of City Council's approval of the final City Engineer's Report following construction. The "TO BE PAID BY CITY IF CONNECTED WITHIN 3 YEARS" column shows that portion of the reimbursement fee that the owner will not be required to pay if they connect to the sewer during this three year period which is that amount of the reimbursement fee between \$6,000 and \$15,000.

This resolution also requires owners to pay any fair share amount that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus that amount of the fair share that exceeds \$15,000. This amount, based on the reduced fee, is shown in the "ESTIMATED AMOUNT OVER \$15,000 THAT CAN BE DEFERRED BY OWNER IF CONNECTED WITHIN 3 YEARS" column. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

In addition to the reimbursement fee, the owners will also be required to pay a connection fee, currently \$2,735, at the time of connection to the sewer. Property owners are also responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

ANN STREET
Reimbursement District No. 40

Estimated Cost to Property Owners
February 27, 2007

Estimated Construction Cost	\$219,658
15% contingency (construction)	\$32,949
Estimated construction subtotal	\$252,607
13.5% contingency (Admin & Eng)	\$34,102
total project costs	\$286,709
total area to be served (S.F.)	138,040
	\$2.07700318
total recommended cost per S.F. to property owner	\$1.03850159

ANN STREET
DISTRICT NO. 40
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE SW 1/4 SECTION 3 T2S R1W W.M.

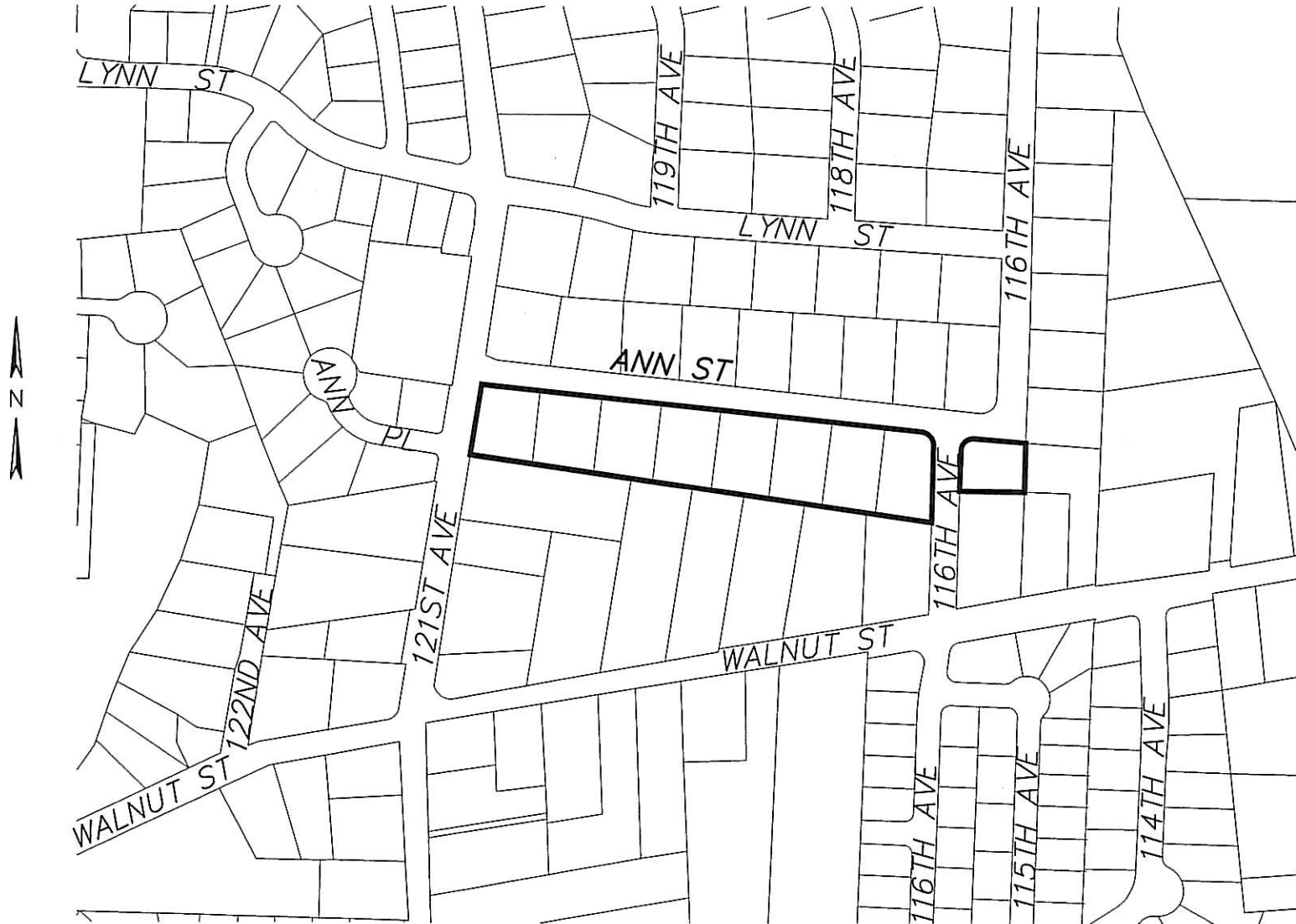


NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B
NTS

ANN STREET
DISTRICT NO. 40
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE SW 1/4 SECTION 3 T2S R1W W.M.



VICINITY MAP
NTS

July 9, 2007

NOTICE
of
PUBLIC HEARING
Tuesday, July 24, 2007
7:30 PM
Tigard Civic Center
Town Hall

The following will be considered by the Tigard City Council on July 24, 2007, at 7:30 pm at the Tigard Civic Center - Town Hall, 13125 SW Hall Blvd., Tigard, Oregon. Both public oral and written testimony is invited. The public hearing on this matter will be conducted as required by Section 13.09.105 of the Tigard Municipal Code. Further information may be obtained from the Capital Construction and Transportation Division at 13125 SW Hall Blvd., Tigard, OR 97223, or by calling 503 718-2468.

INFORMATIONAL PUBLIC HEARING:

FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 40 (SW Ann Street). The Tigard City Council will conduct a public hearing to hear testimony on the finalization of Sanitary Sewer Reimbursement District No. 40 formed to install sewers in SW Ann Street.

Each property owner's recommended fair share of the public sewer line is \$0.57873027 per square foot of the lot served as shown on the enclosed list. For owners with a fair share amount of \$15,000 or less, the owner's fair share would be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01- 46. In addition to paying for the first \$6,000, owners will remain responsible for paying actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed as provided by Resolution No. 03-55.

<u>TAX ID</u>	<u>OWNER</u>	<u>MAILING ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIPCODE</u>
2S103BA00101	VANSANT JEFFREY	12070 SW ANN ST	TIGARD	OR	97223
2S103BA00102	ZARR JAMES A AND DONA J	12010 SW ANN ST	TIGARD	OR	97223
2S103BA00103	ANDERSON EDWARD L & MARY ANNE	PO BOX 23593	PORTLAND	OR	97281
2S103BA00104	HUTCHISON PERRY C	11890 SW ANN ST	TIGARD	OR	97223
2S103BA00105	PROCTOR TIFFANY A & PATRICK E	11830 SW ANN ST	TIGARD	OR	97223
2S103BA00106	PARSONS JOE P MARLYNN	11770 SW ANN ST	TIGARD	OR	97223
2S103BA00107	POTTHOFF ROGER & MARY	PO BOX 23968	PORTLAND	OR	97281
2S103BA00108	SPRAGUE MICHAEL M	11650 SW ANN ST	TIGARD	OR	97223
2S103BA00109	BANKS RICHARD L	11590 SW ANN ST	TIGARD	OR	97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee; which is still payable upon application for

'sewer connection.

SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

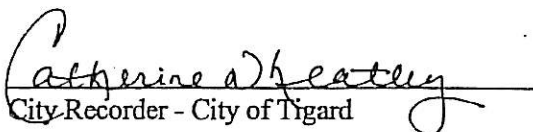
EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

CITY OF TIGARD, OREGON

RESOLUTION NO. 03- 55**A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 – 46).**

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

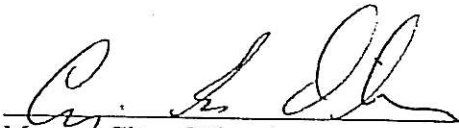
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

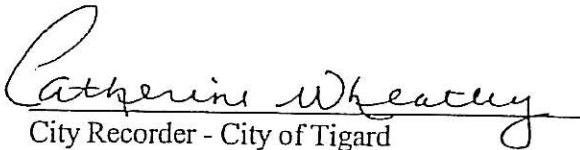
SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14th day of October 2003.



~~Mayor - City of Tigard~~
Craig E. Dirksen, Council President

ATTEST:



Catherine Wheahey
City Recorder - City of Tigard

L:\eng\reg\reimbursement districts\revisions res 01-46 aug 26 03\oct 14 03 council\10-14-03 addition to res 1-46 res.doc

Agenda Item #

Meeting Date

July 24, 2007

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Formation of Sanitary Sewer Reimbursement District No. 44 (SW Cherry Drive)

Prepared By: G. Berry

Dept Head Approval: CP

City Mgr Approval: TC

ISSUE BEFORE THE COUNCIL

Shall City Council approve the formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program?

STAFF RECOMMENDATION

Approval, by motion, of the attached resolution forming the Reimbursement District.

KEY FACTS AND INFORMATION SUMMARY

- The proposed project would provide sewer service to 23 lots along SW Cherry Drive and SW 76th Avenue.
- Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line.
- On June 27, 2007, staff held a neighborhood meeting for owners to review the project procedure, construction schedule and estimated costs. Of the 22 invited owners 16 were represented at the meeting. The owners were generally supportive of the project. There was a suggestion to reevaluate the annual increase rate and assign an equal reimbursement fee to each lot. The owners at 7530 SW Cherry Dr. have been notified that their basement is too low to be served by the proposed sewer without pumping. The owners expressed an interest in extending a private line within easements from the back of their lot to an existing public sewer which could provide gravity service to their basement. This connection would not require payment of a reimbursement fee. Other owners suggested that the proposed district extend this public sewer along the backs of the lots south and west of Cherry Dr. to promote development of the lots. Staff explained that such a line was not feasible and contrary to City design standards.
- Following the meeting, one lot, for a total of 23, was added to the proposed district. Since this owner was not notified of the neighborhood meeting, the owner was individually provided with the information presented at the meeting.

- Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.
- If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.
- Another resolution to finalize the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS

The proposed Reimbursement District meets Goal No. 1, Updating the Comprehensive Plan, by providing areas with septic systems with sewer service as required by the Plan.

ATTACHMENT LIST

Attachment 1- Proposed Resolution

Exhibit A, City Engineer's Report

Exhibit B, Map

Attachment 2- Vicinity Map

Attachment 3- Notice to Owners

Attachment 4- Mailing List

Attachment 5- Resolution No. 01-46

Attachment 6- Resolution No. 03-55

Attachment 7 - Letter from C.N. Frezza confirming that he wants to be included in the Reimbursement District

Attachment 8 - Email from Martin Stewart requesting a study

FISCAL NOTES

The estimated cost of the project is \$502,563. This amount includes the estimated cost of construction plus an amount for the administration and engineering as defined in TMC 13.09.040(1).

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-_____

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 44 (SW CHERRY DRIVE)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 44 (SW Cherry Drive) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 44," attached hereto as Exhibit A, is hereby approved.

SECTION 2: A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 44."

SECTION 3: Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4: An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2007.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 44
(SW Cherry Drive)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection fee, currently \$2,835, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the 23 lots in the following table will require the extension of an existing sewer in SW Cherry Drive. Extension of an existing line in Hunziker Street will be required to provide service to the lots to the north.

The proposed project would provide sewer service to a total of 23 lots within the proposed reimbursement district as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the 23 lots is \$442,787. Engineering and inspection fees amount to \$59,776 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$502,563. This is the estimated amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$2,835, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in the proposed district are zoned R-3.5 but vary in lot size from about 16,000 to 32,000 square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$1.117675 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).

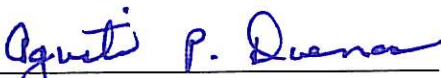
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted July 9, 2007



Agustin P. Duenas, P.E.
City Engineer

i:\eng\2005-2007 fy cipicherry st sanitary sewer extension dist 44\formation\7-24-07 reim dist 44 report ex a.doc

CHERRY DRIVE Reimbursement District No. 44

Estimated Cost to Property Owners
June 6, 2007

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	AREA (AC)	ESTIMATED REIMBURSEMENT FEE	AMOUNT TO BE PAID BY OWNER	AMOUNT TO BE PAID BY CITY	AMOUNT THAT CAN BE DEFERRED BY OWNER
1	ELLENSON, TYLER & MARGARET	13280 SW 76TH AVE	2S101DB00619	17325.620763	0.398	\$19,364	\$10,364	\$9,000	\$4,364
2	TROTTI, LOUISE	7705 SW CHERRY ST	2S101DB00610	15309.367730	0.351	\$17,111	\$8,111	\$9,000	\$2,111
3	WILLIAMS, KENYA E	13315 SW 76TH AVE	2S101DB00615	15311.599899	0.352	\$17,113	\$8,113	\$9,000	\$2,113
4	ABBLITT, JAMES B & RANDI I	7700 SW CHERRY DR	2S101DB00607	16248.066986	0.373	\$18,160	\$9,160	\$9,000	\$3,160
5	MYERS, KENNETH E	13320 SW 76TH AVE	2S101DB00618	17508.899227	0.402	\$19,569	\$10,569	\$9,000	\$4,569
6	GUTHRIE, GEORGE DEREK & DOLORES	7665 SW FIR ST	2S101DB00609	16360.816831	0.376	\$18,286	\$9,286	\$9,000	\$3,286
7	WIDMAN, INEZ C	13355 SW 76TH AVE	2S101DB00616	15970.488490	0.367	\$17,850	\$8,850	\$9,000	\$2,850
8	BLAGGE, DIANNE E	7670 SW CHERRY DR	2S101DB00608	16346.130924	0.375	\$18,270	\$9,270	\$9,000	\$3,270
9	WILKINSN, BRUCE ALLEN	13360 SW 76TH AVE	2S101DB00617	17945.563754	0.412	\$20,057	\$11,057	\$9,000	\$5,057
10	MAYER, KENNETH D	7650 SW CHERRY ST	2S101DC02500	16294.455268	0.374	\$18,212	\$9,212	\$9,000	\$3,212
11	POWELL, JAMES WALTER TRUST	7660 SW FIR	2S101DC02600	20048.933656	0.460	\$22,408	\$13,408	\$9,000	\$7,408
12	BRIAN, THOMAS M	7630 SW FIR	2S101DC02700	16490.424369	0.379	\$18,431	\$9,431	\$9,000	\$3,431
13	MEMOVICH, BARBARA J TR	7630 SW CHERRY ST	2S101DC02400	20428.898173	0.469	\$22,833	\$13,833	\$9,000	\$7,833
14	PAYNE, KEVIN M	7615 SW CHERRY ST	2S101DC02800	20824.338877	0.478	\$23,275	\$14,275	\$9,000	\$8,275
15	TAKAHASHI, WAYNE H	7610 SW CHERRY DRIVE	2S101DC02300	22818.110527	0.524	\$25,503	\$16,503	\$9,000	\$10,503
16	CHICK, MARIBETH A	7595 SW CHERRY ST	2S101DC02900	19383.890918	0.445	\$21,665	\$12,665	\$9,000	\$6,665
17	VANDERBURG, JOHN SCOTT	7590 SW CHERRY DRIVE	2S101DC02200	25503.694437	0.585	\$28,505	\$18,505	\$9,000	\$13,505
18	EDWARDS, GREGORY L	7545 SW CHERRY ST	2S101DC03000	20524.595381	0.471	\$22,940	\$13,940	\$9,000	\$7,940
19	STEWART, MARTIN D & CARLA E	7570 SW CHERRY DRIVE	2S101DC02100	32231.697853	0.740	\$36,025	\$27,025	\$9,000	\$21,025
20	WIDMAN, THOMAS G	7550 SW CHERRY DRIVE	2S101DC02000	28308.678315	0.650	\$31,640	\$22,640	\$9,000	\$16,640
21	HERMANSON, PATRICIA M	7530 SW CHERRY DRIVE	2S101DC01900	23398.320887	0.537	\$26,152	\$17,152	\$9,000	\$11,152
22	CHEMARIN, LISA M	7510 SW CHERRY DRIVE	2S101DC01800	19755.824551	0.454	\$22,081	\$13,081	\$9,000	\$7,081
23	FREZZA, CONRAD NICHOLAS & APRIL	13275 SW 76TH AVE	2S101DB00614	15311.98773	0.352	\$17,114	\$8,114	\$9,000	\$2,114
Totals				449650	10.32	\$502,563	\$295,563	\$207,000	\$157,563

The "ESTIMATED REIMBURSEMENT FEE" column shows the estimated reimbursement fee for each lot. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer. The final reimbursement fee will be determined once construction is complete and final costs are determined.

In accordance with Resolution No. 01-46, each property owner will be required to pay the first \$6,000 of the final reimbursement fee for connections completed within the first three years of City Council's approval of the final City Engineer's Report following construction. The "AMOUNT TO BE PAID BY CITY" column shows that portion of the reimbursement fee that the owners will not be required to pay if they connect to the sewer during this three year period.

This resolution also requires owners to pay any fair share amount that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus that amount of the fair share that exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed. This amount is shown in the "AMOUNT THAT CAN BE DEFERRED BY OWNER" column.

In addition to the reimbursement fee, the owners will also be required to pay a connection fee, currently \$2,835, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

CHERRY DRIVE
Reimbursement District No. 44

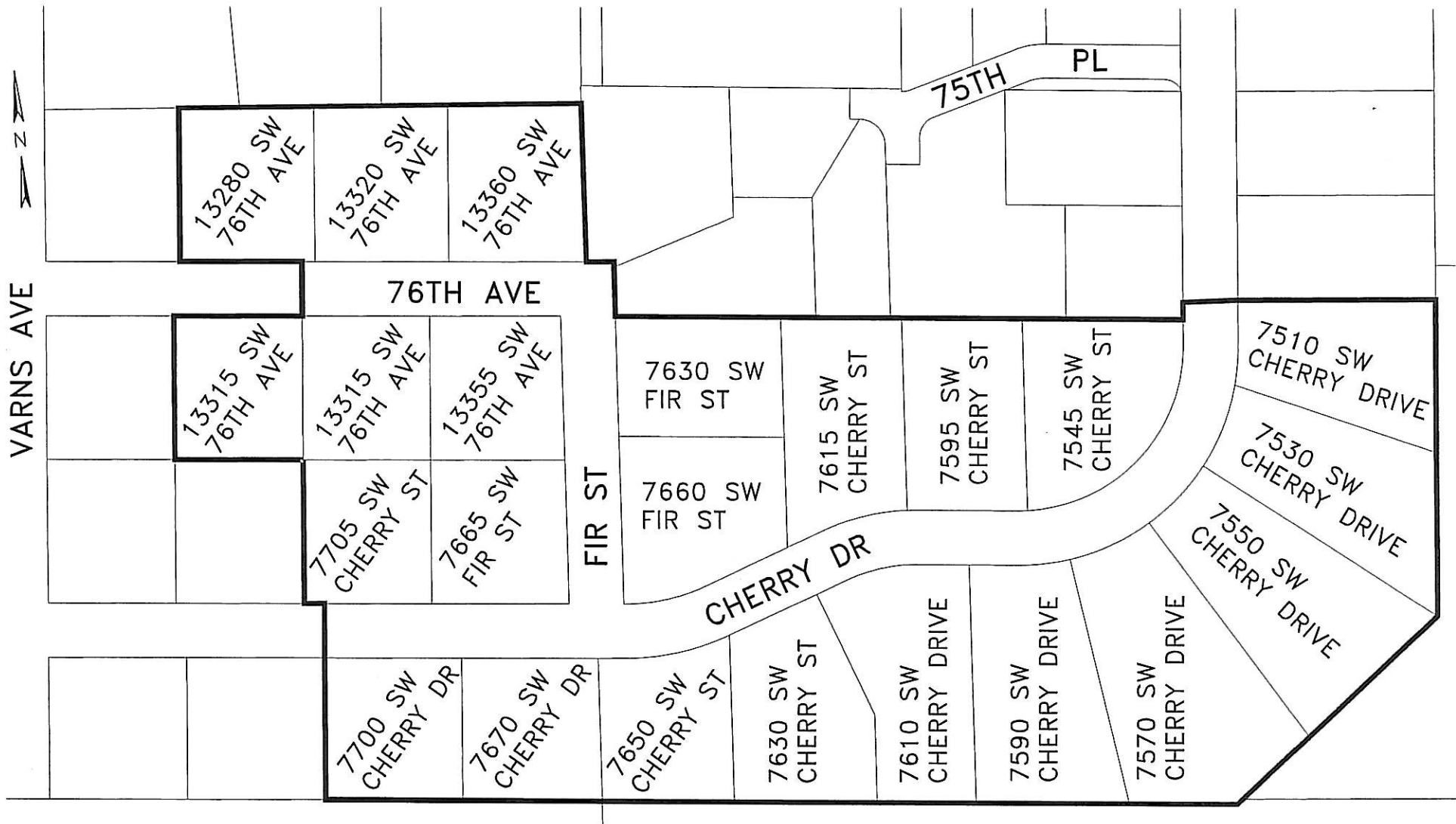
Estimated Cost to Property Owners

Summary

June 6, 2007

Estimated Construction Cost	\$385,032
15% contingency (construction)	\$57,755
Estimated construction subtotal	\$442,787
13.5% contingency (Admin & Eng)	\$59,776
total project costs	\$502,563
total area to be served (S.F.)	449,650
total cost per S.F. to property owner	\$1.11767500

CHERRY DRIVE
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM
REIMBURSEMENT DISTRICT NO. 44
A PORTION OF THE SW 1/4 SECTION 1 T2S R1W W.M.

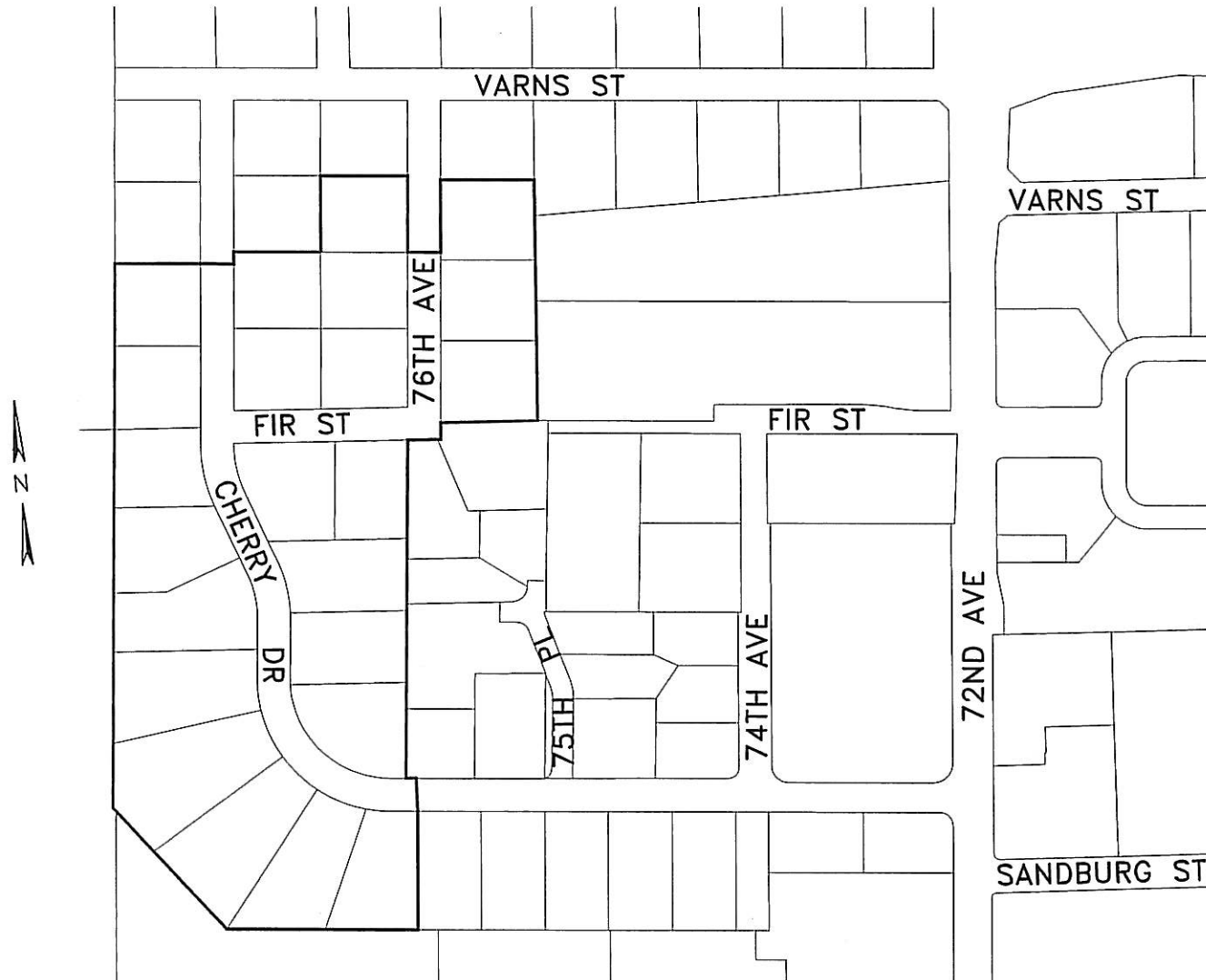


NOTE:

All properties in the reimbursement district are zoned R-3.5

EXHIBIT B
NTS

CHERRY DRIVE
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM
REIMBURSEMENT DISTRICT NO. 44
A PORTION OF THE SW 1/4 SECTION 1 T2S R1W W.M.



VICINITY MAP
NTS

July 9, 2007

NOTICE

Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**
AT A MEETING ON
TUESDAY, July 24, 2007 AT 7:30 PM
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER
13125 SW HALL BLVD
TIGARD OR 97223

WILL CONSIDER THE FOLLOWING:

Proposed Sanitary Sewer Reimbursement District No. 44 (SW Cherry Drive)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW Cherry Drive.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503-718-2468 or at www.tigard-or.gov.

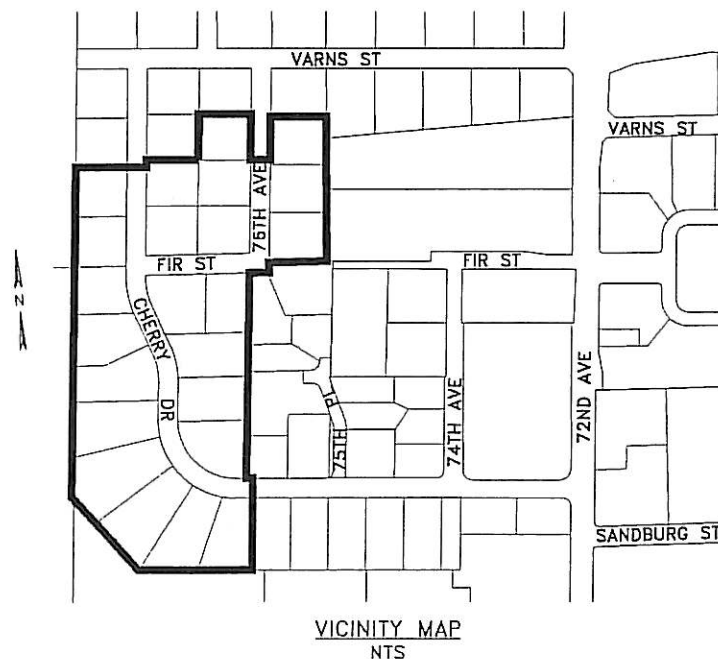
Proposed Sanitary Sewer Reimbursement District No. 44 (SW Cherry Drive)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service as described during the June 27, 2007, neighborhood meeting. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share is summarized in the attached tables.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution No. 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

The owner would also be required to pay a connection fee, currently \$2,835, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

CHERRY DRIVE FY 2006-07 SANITARY SEWER EXTENSION PROGRAM REIMBURSEMENT DISTRICT NO. 44



2S101DB00619
ELLENSON TYLER & MARGARET
13280 SW 76TH AVE
TIGARD OR 97223

2S101DB00615
WILLIAMS KENYA E
13315 SW 76TH
TIGARD OR 97223

2S101DB00618
MYERS KENNETH E
13320 SW 76H
TIGARD OR 97223

2S101DB00616
WIDMAN INEZ C
13355 SW 76TH AVE
TIGARD OR 97223

2S101DB00617
WILKINSN BRUCE ALLEN &
13360 SW 76TH AVE
TIGARD OR 97223

2S101DC02600
POWELL JAMES WALTER TRUST
7660 SW FIR ST
TIGARD OR 97223

2S101DC02400
MEMOVICH BARBARA J TR
7630 SW CHERRY DR
TIGARD OR 97223

2S101DC02300
TAKAHASHI WAYNE H
7610 SW CHERRY ST
TIGARD OR 97223

2S101DC02200
VANDERBURG JOHN SCOTT
7590 SW CHERRY DR
TIGARD OR 97223

2S101DC02100
STEWART MARTIN D & CARLA E
7570 SW CHERRY DR
TIGARD OR 97223

2S101DB00610
TROTTI LOUISE
7705 SW CHERRY ST
TIGARD OR 97223

2S101DB00607
ABBLITT JAMES B/RANDI I
7700 SW CHERRY DR
TIGARD OR 97223

2S101DB00609
GUTHRIE GEORGE DEREK & DOLORES
7665 SW FIR ST
TIGARD OR 97223

2S101DB00608
BLAGGE DIANNE E
7404 SW DELAWARE CIR
TUALATIN OR 97062

2S101DC02500
MAYER KENNETH D AND
7650 SW CHERRY ST
TIGARD OR 97223

2S101DC02700
BRIAN THOMAS M
7630 FIR ST
TIGARD OR 97223

2S101DC02800
PAYNE KEVIN M
7615 SW CHERRY DR
TIGARD OR 97223

2S101DC02900
CHICK MARIBETH A
11575 SW PACIFIC HWY
TIGARD OR 97223

2S101DC03000
EDWARDS GREGORY L
7545 SW CHERRY
TIGARD OR 97223

2S101DC02000
WIDMAN THOMAS G
7550 SW CHERRY DR
TIGARD OR 97223

2S101DC01900
HERMANSON PATRICIA M
7530 SW CHERRY DR
TIGARD OR 97223

2S101DC01800
CHEMARIN LISA M &
7510 SW CHERRY DR
TIGARD OR 97223

2S101DB00614
FREZZA, CONRAD & APRIL
13275 SW 76TH AVE
TIGARD OR 97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee; which is still payable upon application for

sewer connection.

- SECTION 4:** The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.
- SECTION 5:** Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.
- SECTION 6:** The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

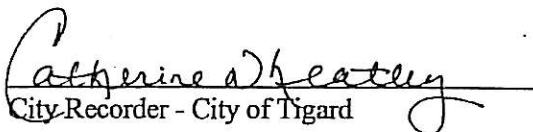
EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

Currently being constructed

CITY OF TIGARD, OREGON

RESOLUTION NO. 03- 55**A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 - 46).**

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

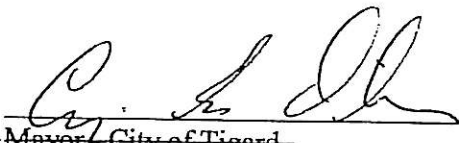
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

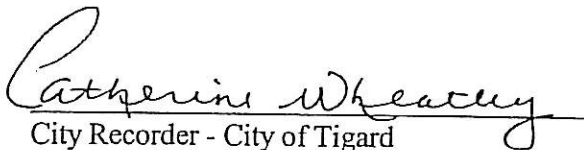
SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

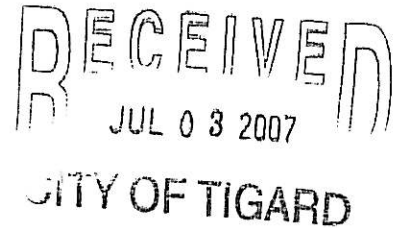
PASSED: This 14th day of October 2003.


~~Mayor - City of Tigard~~
Craig E. Dirksen, Council President

ATTEST:


Catherine Wheatley
City Recorder - City of Tigard

I:\eng\reg\reimbursement districts\revisions res 01-46 aug 26 03\oct 14 03 council\10-14-03 addition to res 1-46 res.doc



July 2, 2007

The Honorable Mayor & Tigard City Council
C/o Greg Berry
Tigard City Hall
13125 SW Hall Blvd
Tigard, OR 97223

Re: Proposed Sewer Reimbursement District #44 – SW Cherry Drive

Greetings,

I have just spoken with Tigard's Greg Berry and learned that it will be recommended to the Tigard City Council on or about July 24th that my home be included in the proposed Sewer Reimbursement District #44 – SW Cherry Drive.

By this letter I would like to confirm that yes, I would like my home at 13275 SW 76th Ave to be included in the proposed reimbursement district.

I appreciate the opportunity to include my home in the project and thank you for your cooperation.

Best regards,

A handwritten signature in black ink, appearing to read "C.N. Frezza", with a long horizontal line extending to the right.

C.N. Frezza

13275 SW 76th Ave
Tigard

Daytime phone: 503-526-1451

Attachment 8

From: <Lil1967GTO@aol.com>
To: <greg@tigard-or.gov>
Date: 7/6/2007 10:15:37 AM
Subject: Sewer Project on Cherry Drive in Tigard

Martin Stewart
7570 SW Cherry Drive
Tigard, Oregon 97223
503-624-6855
503-968-2855

July 6, 2007

Greg Berry P.E.
Utility Engineer
City of Tigard, Oregon

Dear Greg,

In regards to the proposed sewer installation on Cherry Drive . It has come to my attention that if approximately 6 homes are to be serviced from Cherry Drive it will be necessary to go down as deep as 15 ft. Potentially increasing costs from \$20 per yard to \$200 per yard for removal . This will possibly destroy our property values not to mention our futures. It would be in everyone's interest to minimize this.

The plan already exists for the homes to be hooked up at the rear of the properties which would eliminate the need for such a deep expensive system in the street which will require blasting. This will also eliminate our neighbor from requiring a pump system and increase potential for future tax lots to be developed .

I would like to request a study be done to compare a much shallower system in the street with a simple shallow extension to the existing sewer at the rear of the properties.

It has come to my attention that an estimated sum of as much as \$21,904 (with potential to dramatically increase) will show up on the title company reports as a lean against our properties causing unnecessary hardship for everyone involved if any of us decide to refinance or sell our properties. Lenders will in most cases insist this be paid regardless of what the intention is with potential for us to lose tens and even hundreds of thousands of dollars. It makes absolutely NO sense to impose this on any of us. The funds would/could not be collected until time of property development . Servicing our properties to the street does not allow future development to use the purposed sewer as is, and we have a great deal of difficulty justifying these fees. Is the city counting on these fees being paid due to buyers and owners inability to acquire loans on these properties due to a stated lean on the titles ? This would be counterproductive and greatly discourage development. Would it not be better for everyone involved to work together on this ?

Sincerely,

Martin D. Stewart